

## 400 ADOPTION

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## 401.2 Philosophy And Purpose

The Child and Family Services Adoption Program helps children become members of an adoptive family that can meet the unique needs of the child.

### 401.1 Adoptive Family Recruitment

#### Major objectives:

- A. Child and Family Services will utilize private child placement agencies or adoption exchanges if necessary to find adoptive families in-state or out-of-state.
- B. In addition, other recruitment activities may include media coverage, newspaper listings, radio spots, or adoption parties in-state or out-of-state.

#### **Applicable Law**

Utah Code Ann. [§62A-4a-106](#). Services provided by division.

Utah Code Ann. [§62A-4a-607](#). Promotion of adoption -- Agency notice to potential adoptive parents.

Administrative Rule [R512-41](#). Qualifying Adoptive Families and Adoption Placement.

#### Practice Guidelines

- A. Adoptive Family Recruitment Plan - Annually, in coordination with the state adoption specialist, each region will develop a recruitment plan. Regions may be requested to participate with additional recruitment efforts. Recruitment efforts will be coordinated with the Utah Foster Care Foundation.
- B. Plan Requirements - The recruitment plan will, at a minimum:
  - 1. Establish the number of adoptive homes needed, including specific needs of the children they anticipate placing;
  - 2. Identify retention and training components;
  - 3. Identify advertising activities;
  - 4. Identify other agencies or resources that will be contacted.

## 401.2 Qualifying An Adoptive Family

### Major objectives:

Families who wish to become adoptive families, including kin or Child and Family Services employees, must meet all of the following requirements:

- A. Complete adoption training program approved by Child and Family Services (preferably before the child is placed in the home).
- B. Be assessed and approved as an adoptive family following completion of a home study by a licensed child placement agency.
- C. Obtain a foster care license issued by the Department of Human Services, Office of Licensing, or meet the same standards, or receive a written waiver of a standard.
- D. Receive a determination by Child and Family Services that no conflict of interest exists in the adoption process.

### **Applicable Law**

Utah Code Ann. [§78B-6-117](#). Who may adopt -- Adoption of minor -- Adoption of adult. Administrative Rule [R512-40](#). Adoptive Home Studies, Recruitment, Approval.

### Practice Guidelines

- A. Staff members of Child and Family Services may apply to adopt and may adopt children in state custody in the following manner:
  - 1. The person applies in the region of residence.
  - 2. The home study will be completed by staff of another region on a cooperative basis upon the request of the region director.
  - 3. Approval of placement of a child in a staff member's home will be by the region having custody of the child. If the prospective adoptive parent is from the same region as the child, the placing committee will consist of the child's caseworker, outside child welfare specialists, and the State Adoption Specialist. Supervision will be by the placing region, unless the child and prospective parent are from the same region, in which case, another region will provide supervision.
- B. Adoption Assessment (Home Study) Requirements - The caseworker will ensure that the following requirements are included in an adoption assessment consistent with the standards of the Child Welfare League of America (the assessment may be done by a private child placement agency or Child and Family Services):

1. Criminal background checks of all adults present in the home;
2. Child abuse screening of all adults present in the home;
3. Autobiography of parent(s) and family members;
4. Behavioral assessment of parent(s) and children living at home;
5. Health status verification of parent(s) and children living at home;
6. Financial status verification;
7. Home safety and health assessment;
8. Assessment of parenting skills for children living at home;
9. Recommendation - types of children that are appropriate for prospective adoptive family.

### 401.3 Matching The Child And The Adoptive Family

#### Major objectives:

- A. In the matching process, the selection of an adoptive family will be in the best interest of the child.
- B. The adoption decision must be based on a thorough assessment of the child's current and potential developmental, medical, emotional, and educational needs.
- C. The ability of the adoptive or foster/adoptive care family to successfully meet the child's needs and to love and accept the child as a fully integrated member of the family must be considered.
- D. Child and Family Services will comply with The Interethnic Placement Act.
- E. Sibling groups should not be separated. When separation is necessary to protect the well-being of one or more children in the sibling group, all reasonable efforts must be made to maintain contact between siblings.

#### **Applicable Law**

#### **42 United States Code Section 1996b - Interethnic Adoption**

##### **(1) Prohibited Conduct**

- A person or government that is involved in adoption or foster care placements may not-
- (A) deny to any individual the opportunity to become an adoptive or foster care parent, on the basis of the race color, or national origin of the individual, or of the child, involved; or
  - (B) delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child involved.

Practice Guidelines

- A. Child's Preference - The child's preference may be considered, if they have the capacity to express a preference.
- B. Foster Care Family Preference - A foster care family (or other caregiver with physical custody) of the child may be given preferential consideration for adoption if the child has substantial emotional ties with the foster family/caregiver and if removal of the child from the foster family/caregiver would be detrimental to the child's well-being.
- D. Geographic Boundaries - Geographic boundaries alone should not present barriers or delays to the selection of an adoptive home.
- E. Indian Child Welfare Act (ICWA) - The ICWA takes precedents for an adoption of an Indian child who is a member of a federally recognized tribe or Alaskan native village.

**401.4 Adoption Decision**

Major objectives:

Permanency decisions should be made in a timely manner, recognizing the child's developmental needs and sense of time.

- A. If the child is not already in the adoptive home, Child and Family Services will make intensive efforts to place the child with an adoptive family within 30 days after the child's permanency goal changes to adoption.
- B. If an adoptive family is not found within 30 days of the child's permanency goal changing to adoption, Child and Family Services will contact The Adoption Exchange and/or a licensed child placing agency that contracts with Child and Family Services to help recruit an appropriate adoptive family for the child.
- C. If the child has already been placed with the family that intends to adopt at the time the child is freed for adoption, Child and Family Services will begin to assist the adoptive family and child through the transition process to adoption.

**Applicable Law**

- Utah Code Ann. [§62A-4a-106](#). Services provided by division.
- Utah Code Ann. [§62A-4a-205.6](#). Adoptive placement time frame – Contracting with agencies.
- Utah Code Ann. [§78B-6-128](#). Preplacement adoptive evaluations – Exceptions.
- Administrative Rule [R501-7-9](#). Services for Children.

Administrative Rule [R501-7-10](#). Services to Adoptive Parents.

Administrative Rule [R512-31](#) Foster Parents Due Process.

### Practice Guidelines

Procedure for Matching a Child in Need of a Permanent Adoptive Family with a Prospective Adoptive Family who Can Meet the Child's Needs

- A. When a child's permanency goal changes to adoption, the out-of-home caregivers who have been caring for the child are generally the first family to be considered to adopt a child.
- B. When a child or sibling group who has a permanency goal of adoption is not currently living with the family who will be their permanent family, possible adoptive families will be selected that can best meet the characteristics, history, and needs of the children.
  1. If siblings had not been placed together and there are no safety concerns that preclude the siblings being together, the Adoption Committee should consider a family for all the siblings to be adopted together.
  2. If siblings are not able to be adopted together or if being taken from a current family would create undue trauma to the children, Child and Family Services will facilitate agreements between the permanent families to allow lifelong contact to be pursued between the siblings.
  3. Relatives should be re-assessed as possible adoptive family options.
  4. If no appropriate relatives are available, other appropriate adults known to the child should be considered.
- C. When no prospective relative families or appropriate adults known to the child are identified as adoptive placements, Child and Family Services will appoint and convene an Adoption Committee to select an adoptive family from the currently available licensed Out-of-Home caregivers. Caregivers will be considered who want to adopt and can best meet the needs of the child. A minimum of three possible adoptive families will be presented to the Adoption Committee for consideration. If three families cannot be identified because of the exceptional circumstances of the child or sibling group, the Adoption Committee may approve an adoptive family for the children based on fewer adoptive placement options.
  1. Licensed families from across the state who are interested in adopting and who could meet the child's needs (as outlined in Out-of-Home Care Practice Guidelines [Section 301.5](#)) will be considered regardless of regional location. Placement Committees will contact the other regions to find licensed caregivers appropriate for the child's or sibling group's needs.
  2. The Adoption Committee may choose not to place a child or sibling group with any of the proposed adoptive or adoptive/foster care families if it is

determined that none of the families will adequately meet the needs of the child. In such circumstances, an out-of-state search for adoptive/foster care or adoptive families will be initiated.

D. Children will be Listed with The Adoption Exchange:

1. When no permanent family who is appropriate for the child or sibling group is identified in Utah.
2. Within 30 days of the child's permanency goal changing to adoption.

E. Registering the Child with The Adoption Exchange:

1. The caseworker will contact The Adoption Exchange to obtain a user name and password. Then the caseworker will go to [www.utdcfsadopt.org](http://www.utdcfsadopt.org) and register the child.
2. In the website, the caseworker will enter the required information about the child.
3. The Child and Family Team will choose the array and intensity of family recruitment activities to be utilized for the child, such as:
  - a. Utah website family recruitment.
  - b. Profile party recruitment.
  - c. Utah Heart Gallery recruitment.
  - d. Televised and print media "Wednesday's Child" family recruitment.
  - e. The Adoption Exchange website, which includes eight western states.
  - f. National AdoptUsKids website family recruitment.
  - g. Database matching of the child with families on the database.

F. Inquiries from Prospective Adoptive Families for Children Registered with The Adoption Exchange:

1. The Adoption Exchange will respond to initial inquiries from prospective adoptive families.
  - a. When prospective adoptive parents make an inquiry about a specific child but do not have an adoptive home study, The Adoption Exchange will inform the interested parents about the adoption process, including the acquisition of a home study and what they might expect when parenting children who have been neglected or abused.
  - b. If prospective adoptive parents want additional information about a specific child, the prospective adoptive parents will be given general information about what kinds of behaviors and challenges children may exhibit who have the same level of needs to help them decide if they want to move forward with the training and adoptive home study process.

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- 262 c. If prospective adoptive parents seem to be an appropriate match for  
263 a child but they need more information about the child to inform  
264 their decision, the caseworker may share additional information  
265 regarding the child after having the prospective adoptive parents  
266 sign form DCFS01 Confidentiality Agreement. The caseworker may  
267 not, however, share the child's mental health diagnosis.
- 268 d. The Adoption Exchange will send home studies from prospective  
269 adoptive families who want to be considered for a specific child or  
270 sibling group to the assigned RFC and/or caseworker.  
271
- 272 G. The assigned RFC and/or caseworker will screen the adoptive home studies they  
273 receive from the recruitment efforts. The caseworker may choose up to three  
274 potential adoptive families that can best meet the child's needs to present to the  
275 Adoption Committee.  
276
- 277 H. As the home studies are reviewed and decisions are made regarding the  
278 prospective adoptive families, the assigned RFC and/or caseworker will respond  
279 to each as described below:
- 280 1. The caseworker will contact prospective adoptive families that will not be  
281 considered for the specific child or sibling group to inform them of the  
282 decision and the reasons why.
- 283 2. When more than one prospective adoptive family is being considered for  
284 the specific child or sibling group, the caseworker will contact each family  
285 to inform them they are one of multiple families being considered.
- 286 3. When there are three or more prospective adoptive families that will be  
287 considered for a specific child or sibling group, the home studies will be  
288 brought to the Adoption Committee for consideration and selection.  
289
- 290 I. The prospective adoptive family, approved for the child, must have all background  
291 clearances, including the FBI fingerprint-based background clearance.
- 292 1. Currently licensed foster parents who are licensed after April 1, 2007  
293 should have had the FBI fingerprint-based check completed in compliance  
294 with the Adam Walsh Act.
- 295 2. Currently licensed foster parents who are licensed before April 1, 2007 will  
296 need to have their FBI fingerprints scanned to comply with the Adam  
297 Walsh Act.
- 298 3. Prospective adoptive parents who are not licensed or are licensed as  
299 proctor parents will need to have their background screening, including FBI  
300 fingerprints, conducted as part of their adoptive home study. The adoptive  
301 home study, with background screening, must be completed within 18  
302 months of placement of the child who is to be adopted in accordance with  
303 Utah Code Ann. [§78B-6-128](#).



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- 304
- 305 J. When the prospective adoptive parents have decided that they want to move
- 306 forward with the adoption of the child, the caseworker will develop a transition
- 307 plan by holding a Child and Family Team Meeting inviting the following to
- 308 participate (when appropriate and applicable): the child, the current caregivers,
- 309 prospective adoptive parents, other children in the home, caseworker, therapist,
- 310 teacher, clergy, as well as any other significant people in the child's life.
- 311 1. For foster families who have had the child in their home, the caseworker
- 312 will address the differences between adoption and foster care. The
- 313 caseworker will include a discussion about:
- 314 a. The differences in funding between foster care and adoption.
- 315 b. The family's ability to make decisions without Child and Family
- 316 Services.
- 317 c. The differences in community supports available between fostering
- 318 and adoption.
- 319 d. Letting the family know that they may see more negative behaviors
- 320 as the child adjusts to the new circumstances, even if the child has
- 321 been in the foster home for a period of time.
- 322 e. Post Adoption Services and will provide the brochure with the name
- 323 and contact information of their post-adoption caseworker.
- 324 2. For children transitioning to a new family, the caseworker will establish a
- 325 transition plan that includes times for structured visits to allow the child
- 326 and new family to get to know each other. The transition plan should start
- 327 with short visits, then longer visits, and move gradually into overnight
- 328 visits. The Child and Family Team will decide when the child is ready to
- 329 move in with the new family and whether a change in schools is necessary.
- 330 In all cases, the prospective adoptive parents will have the opportunity to
- 331 meet the child prior to permanent placement.
- 332 3. The caseworker may also talk to the family about ceremonies and/or things
- 333 the family may want to do to establish the permanency the adoption brings
- 334 the child and family. Ceremonies may include extended family members
- 335 and friends, and/or may include a church ritual. Another thing that may
- 336 help mark the change for the child and the family is to get a family photo
- 337 taken. The caseworker will explain to the family that while the child is
- 338 gaining a new family, adoption also signifies that they have lost their other
- 339 family in a more profound way. Thus, the family may see an escalation in
- 340 the child's grief and negative behaviors.
- 341 4. The caseworker will explain to the family the importance of keeping the
- 342 child's information and history.
- 343 5. The caseworker will encourage the adoptive family to review the child's file
- 344 several times and especially after the child has been with the family for a
- 345 few months.

- K. When an approved adoptive family agrees they intend to adopt a specific child who has a permanency goal of adoption, the adoptive parents and a representative from Child and Family Services will sign an "Intent to Adopt Agreement" (SAFE form AD12).
1. The caseworker will record the date the "Intent to Adopt Agreement" is signed in SAFE (under the Permanency tab, Adoptive Placement/Subsidy radial button of the Permanency tab, on the lower left hand side of the Adoptive Placement section for the "Intent to Adopt Signature Date")
  2. The caseworker will set a date for the family to review the file again before the finalization of the adoption. If the family declines additional reviews of the file, the caseworker will document this in an activity log.

#### **401.4a Disclosing Child's Information**

##### **Applicable Law**

Utah Code Ann. [§63G-2-202](#). Access to private, controlled, and protected documents.

Utah Code Ann. [§78B-6-143](#). Nonidentifying health history of adoptee filed with bureau – Limited availability.

##### **Practice Guidelines**

The caseworker will provide detailed information about the child to the prospective adoptive parents, allowing sufficient time for the prospective adoptive parents to make an informed decision regarding placement of the child in their home. When relevant, the caseworker will encourage adoptive parents to consult with other family members living in the home in making the decision.

- A. The prospective adoptive parents should review the child's file before making the life-long decision to adopt. The file may contain information that will help the family decide if they have the skills and support to raise the child. The file also has important documents that the family would want to copy, for example immunization records and school placement information. [See: Department of Human Services, Office of Licensing, Child Placing Agencies, [R501-7-9](#), Services for Children and [R501-7-10](#) Services to Adoptive Parents.]
- B. The prospective adoptive parents need to know that the information in the child's file is important in two ways.
1. First, it will help them decide whether or not they should adopt the child, and
  2. Second, this information is part of the child's history. The prospective adoptive parents should gather information from the file and share it with

the child as he or she grows. Information from the file will help the child understand himself or herself and his or her history.

C. Information about the "child" may be shared as follows:

1. Licensed foster parents who are considering adopting a child in Child and Family Services custody will have access to information contained in the child's file that is important to understand and raise the child. Licensed foster parents are contracted by Child and Family Services as a provider to care for the child. Thus, they may view any parts of the child's file that help them understand the child and the child's background for purposes of adopting and parenting the child.
2. Prospective adoptive parents, who are not licensed foster parents, should also have information that is important to raise a child. Pursuant to the Government Records Access and Management Act (GRAMA), Child and Family Services has determined that, when adopting a child, the interest in sharing the child's information outweighs the privacy interests in the record.
  - a. Appropriate information about the child should be shared; however, neither the biological parents' nor foster parents' medical, psychiatric, psychological, or other personal information should be disclosed to individuals who are not licensed foster parents.
  - b. Child and Family Services must use prudent judgment in providing non-licensed prospective adoptive parents information about the child that may be important for the stability of the child's adoptive placement. Confidential information that is important to raising the child may be shared, but should be shared in a non-identifying way.
3. Utah Code Ann. [§78B-6-143](#) states that adoptive parents may have the Health Department's "Vital Records and Statistics" information that contains medical, psychological, and social history about the child's biological family; however, it must not identify the biological parents or members of their families. Child and Family Services collects the same information on the Health Data report in SAFE. A permanency caseworker transfers information from the Health Data Report to the Vital Records and Statistics 'Non-Identifying Health, Genetic, and Social Histories' form for adoptive parents.
  - a. A permanency caseworker will print the Health Data Report without the child's name for the purposes of the adoption finalization to be submitted to Vital Records and Statistics for required 'Non-Identifying Health, Genetic, and Social Histories' forms.
  - b. Printing the Health Data Report for the purposes of adoption is conducted by going to the Person Health window in SAFE. Check the bottom of the screen called **Health Detail button, then from the**

"file" tab select "Print Health Data Report". At the bottom of the Health Data Report, you will find "Adoption Use Only" and "Vital Stats Letter & Health Data Report". Then press the "print" button. This will print a letter to Vital Statistics and Records, the non-identifying family health history data and child's health history.

4. The prospective adoptive parents should be aware that the information in the file is often the subjective opinions of the caseworker or therapist written at one time in the child's life. Circumstances and the child's development can change the way a child behaves and adjusts to current life situations. For instance, the child may have received many different mental health diagnoses. The mental health diagnoses in a child's file is affected by each therapist's interpretation, the child's developmental stage, factors in the child's environment, and different life circumstances.

D. Child and Family Services File Review Guidelines.

1. The confidentiality agreement must be signed by the prospective adoptive parents. [SAFE form DCFS02.]
2. The caseworker should orient prospective adoptive parents to the structure of the files and where information is located.
3. The caseworker should counsel prospective adoptive parents to consider specific types of information, such as medical conditions, developmental delays, disabilities, mental health diagnoses, placements and transfers, educational needs, and other considerations for the child.
4. The booklet called "Prospective Adoptive Parent's Guide to a Child's File Information" directs the prospective adoptive parents to look for specific information they will need to parent the child and identify information to copy for future reference. [Red type identifies information to copy for the prospective parents, if they decide to adopt the child. Originals of pictures, letters, and belongings should be given to the family adopting the child. Copies can be retained in the file.]
  - a. Medical Information: *Immunizations, all allergies including food allergies, disabilities and treatments, current medications and implications of discontinuing medications, history of illnesses. Disabilities and treatments.* Conditions from abuse or neglect, *serious accidents, surgeries, past doctors, and hospital of birth.*
  - b. Dental Information: Dental records, *past dentists*, and orthodontic work, and *orthodontist*.
  - c. Educational Information: *Schools and grades, evaluations, special education plans such as Individual Education Plans (IEP) or Student Education and Occupational Plans (SEOP), learning disability including specific disability, and test results.*

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- 470           d.     Mental Health Information: *Current and prior therapists* and history  
471                   of treatment, diagnoses, and especially current diagnosis. What the  
472                   diagnosis means in raising a child, what behaviors are connected  
473                   with the diagnosis, and how are connected behaviors best dealt  
474                   with. The prospective adoptive parents should be encouraged to  
475                   talk directly with the child's mental health therapist when possible.
- 476           e.     Family Story: *Health Data Report* information that is transferred to  
477                   the Vital Records and Statistics 'Non-Identifying Health, Genetic,  
478                   and Social Histories' form, family situation, moves or stability  
479                   factors, abuse and neglect history, domestic violence, reason for the  
480                   child's removal from their biological family, culture, *genogram*  
481                   *including the siblings (with their birth dates), timelines.* Family  
482                   member's talents, hobbies, and interests. *Family photos, especially*  
483                   *photos with the child as a baby and early in life. Letters to the child*  
484                   *from relatives, especially the mother and/or father.*
- 485           f.     Child's Personal Information: Developmental history, when  
486                   available. Placement history including the child's adaptation. Birth  
487                   certificate. Photos of the child, of pets, of foster parents, or of  
488                   other significant caretakers. The child's artwork, creations, or  
489                   projects. Stories about the child's birth and early life. Church  
490                   records, such as baptismal, christening, Bar mitzvah, and  
491                   confirmation records. Activities such as scouts, sports, choir, etc.  
492                   Favorite foods, favorite toys or stories, names of friends, and other  
493                   things that may help the child feel more secure, such as chores and  
494                   house rules or bedtime routines.
- 495
- 496   E.     After the prospective adoptive parents have looked through the file, talk with  
497             them about what they found. Give them health and mental health diagnoses  
498             summary sheets, and answer questions they may have.
- 499
- 500   F.     Helpful websites include:
- 501           1.     American Academy of Child & Adolescent Psychiatry: [www.aacap.org](http://www.aacap.org).
- 502           2.     American Psychological Association: [www.apa.org](http://www.apa.org).
- 503           3.     American Academy of Pediatrics: [www.aap.org](http://www.aap.org).
- 504
- 505   G.     The caseworker will respond to questions or concerns of the potential adoptive  
506             parents and give the prospective family time to think about all they have learned.  
507             The caseworker should also encourage them to set another appointment to talk  
508             and ask other questions.
- 509
- 510   H.     The adoptive parent(s) will be advised of possible financial and medical assistance  
511             available through adoption assistance to meet the special needs of the child.

- I. The caseworker will have the prospective adoptive parents sign the Child and Family Services' information disclosure SAFE form AD13 to acknowledge they have been provided relevant information obtained by Child and Family Services while the child was in state custody.
- J. No identifying information regarding the adoptive parents will be released to birth families without the written consent of the adoptive parents.

## 401.5 Adoption Training

### Major objectives:

Adoptive and Adoptive/Foster Care Family Training - To successfully care for a child, the caseworker will verify that the adoptive families and adoptive/foster care families have completed a training course approved by Child and Family Services prior to the child's placement in the home.

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

- A. Training for Adoptive and Adoptive/Foster Care families may consist of classroom courses and/or in-home study materials as approved by Child and Family Services and regional training staff. Training may be provided by the Child and Family Services, or Child and Family Services may accept training provided by another agency if it meets the standards of Child and Family Services. The caseworker will verify that all required training has been completed. The training must address at least the following:
  - 1. Orientation to Child and Family Services programs;
  - 2. Team building;
  - 3. Family systems;
  - 4. Child development;
  - 5. Abuse and neglect;
  - 6. Sexual abuse;
  - 7. Attachment/separation issues;
  - 8. Discipline;
  - 9. Cultural issues;
  - 10. Primary families;
  - 11. Effects of care giving on the family;
  - 12. Permanency issues for children and families.

- 
- B. Specialized Training - The adoption caseworker may require the adoptive family to receive more specialized training before placement to ensure the parents have the necessary skills to meet the needs of the child that they are willing to adopt. Specialized training may address such topics as medically fragile infants, adolescents, behavioral challenges, and others.
- C. The caseworker will ensure that the family:
1. Has completed Child and Family Services approved adoption training;
  2. Has been assessed and qualified to adopt by a licensed child placement agency or Child and Family Services;
  3. Has received a foster care license issued by the Office of Licensing, or if the family is interested only in a child who is legally free for adoption at the time of placement, then a license is not required, but there must be documentation that the standards of a foster care license are met.
  4. And if the adoptive family is a Child and Family Services employee, the appropriate procedure has been followed to ensure that no conflict of interest exists in completion of the assessment, placement, and supervision. [See: Utah Administrative Code [R512-40.5](#).]
- D. Screening - The caseworker will explain the Criminal Background Check, and Child Abuse Database Screening and explain that an FBI check (including fingerprinting) is needed if the applicant has not lived in Utah for the past five years. The caseworker will explain the authorization form for the Criminal Background Check, and Child Abuse Database Screening. If the applicant(s) does not pass the Criminal Background Check or the Child Abuse Database Screening, the caseworker will inform the applicant(s) that they are not eligible to proceed with the assessment.
1. Criminal Background Check - Complete a criminal background check for all adults present in the home.
  2. Child Abuse Database Screening - Complete a child abuse database screening for all adults present in the home.
- E. Assessment - Each region may develop their own assessment form and process. The caseworker or other child placement agency will use the following criteria to assess the potential of prospective adoptive families to determine if the adoption placement is in the best interest of the child. The caseworker should consider the child's kin or extended family as a possible placement at this stage of the process.
1. Child's Needs and Family's Strengths - The selection of an adoptive family will be based upon the child's needs and the family's strengths.
  2. Race, Ethnicity, and Culture - An adoptive placement will not be delayed or denied on the basis of race, color, or national origin of the adoptive or foster family or child, as required by federal law.



3. Religious Preference - A child's religious preference may be taken into consideration in the selection of an adoptive family.
4. Safety of Children in Home - No child should be placed in a specific adoptive or adoptive/foster care home if the placement would put other children residing in the home at risk.
5. Preferential Placement Requirements Foster Family or Other Caregiver with Physical Custody - A foster family (or other caregiver with physical custody) of the child may have preferential consideration for adoption if the child has substantial emotional ties with the foster family/caregiver and if removal of the child from the foster family/caregiver would be detrimental to the child's well-being.
6. Guardian ad Litem (GAL) Recommendation - The caseworker should solicit and consider the input of the child's GAL in selecting the adoptive placement.
7. Age of Adoptive Parents - The selection of the adoptive parents will not be based upon the age of the adoptive parents, except that the adoptive parents must be at least 10 years older than the child placed for adoption. [See: Utah Code Ann. [§78B-6-114](#).] The Office of Licensing, Rules for Child Placing Agencies, Rule R501-7-5.3.b.(2) states, "Age: Chronological age alone should not be the determining factor for the selection of adoptive parents. Utah statutes require that the adoptive parents be at least ten years older than the child placed for adoption. Physical condition and life expectancy of the applicants should be taken into consideration to protect the child against a repeated, foreseeable loss of parents through death or incapacitating illness. Also, it is important for applicants to be physically and emotionally capable of meeting the needs of the children as they grow and develop."

#### 401.6 Foster Family Preferential Consideration

##### Major objectives:

Foster Family Preferential Consideration - Foster parents may be given preferential consideration when applying to adopt a child in their care. However, the Adoption Committee may choose not to make the adoptive placement with the foster family who has become licensed for adoption, if good cause can be demonstrated. The major objectives for removing a child from a foster family will be followed. [See: Utah Administrative Code, Human Services Rule [R512-31](#).] Reasons for not placing the child with the foster family for adoption will be documented in the case record and provided to the family in writing.



## Applicable Law

Utah Code Ann. [§78B-6-132](#). Children in the custody of the Division of Child and Family Services -- Consideration of child's relationship with foster parents who petition for adoption.

## Practice Guidelines

The foster family or caregiver's application to adopt will be processed and, if satisfactory, the adoptive assessment completed before any other applications to adopt the child are processed. For preferential consideration, the foster family or caregiver will submit the application for an adoptive assessment to Child and Family Services within 60 days of the change of the goal to adoption or of the court's discontinuation of reunification. If parental rights have been terminated, the application will be submitted within 30 days.

- A. If the application has not been submitted within 30 days of termination of parental rights, the caseworker will consider approved adoptive families throughout the state, will contact other licensed child placing agencies, and will list the child on appropriate adoption exchanges.
- B. Factors that will be taken into consideration regarding selection of the home for adoptive placement will be consistent with those a court would use to determine if the foster family would be selected. [See: Utah Code Ann. [§78A-6-510](#).]
- C. Foster Parents Practice Guidelines for Preferential Adoptive Placement - When evaluating the foster parents as adoptive parents, consider the following:
  1. The extent to which the child has become integrated into the foster family and has familial identity with that family;
  2. The ability and willingness of the foster family to treat the child as a family member;
  3. The love, affection, and other emotional ties existing between the child and the foster family, and the child's ties with the foster family;
  4. The capacity and disposition of the foster family to give the child love, affection, and guidance, to meet the emotional needs of the child, and to provide for the education of the child;
  5. The length of time the child has lived with a stable, satisfactory foster family and the desirability of the child's continuing to live in that environment;
  6. The likely permanence of the foster family as a family unit.

## 401.7 Adoption Committee

### Major objectives:

In situations in which a child who has a permanency goal of adoption is not with the family who will be their permanent family, an Adoption Committee will select an adoption placement that is in the best interest of the child.

**Applicable Law**

Utah Code Ann. [§78B-6-102](#). Legislative intent and findings -- Best interest of child -- Interests of each party.  
Utah Administrative Rule [R512-31](#) Foster Parents Due Process  
Utah Administrative Rule [R512-41-6](#) Adoption Decision

**Practice Guidelines**

**Establishing an Adoption Committee**

- A. The region director will review annually the membership and terms of service of the regional Adoption Committee, along with the frequency of Adoption Committee meetings.
  1. The Adoption Committee should consist of at least three members and include senior level Child and Family Services staff and one or more members from an outside agency with expertise in adoption and foster care.
  2. If no Child and Family Services caseworker with adoption experience is available in the local area to participate on the Adoption Committee, an individual with adoption expertise from outside of the area may be included on the committee, such as the state program administrator, a clinical consultant, or an adoption caseworker from another region. The Adoption Committee should have at least three members.
- B. Adoption Committee members must disclose any personal relationship with a family being discussed and may recuse themselves from the proceeding.
- C. The Adoption Committee may meet in any location appropriate for the case.
- D. The caseworker for the child or sibling group is responsible for presenting the information necessary for the Adoption Committee to assess adoptive placement alternatives for the child or sibling group. Information should include all assessments for each child including the child's characteristics, history, strengths, preferences, and needs. Recommendations regarding qualifications of potential adoptive families should be shared with Adoption Committee members. The referring caseworker will not be a voting member of the Adoption Committee.
- E. Anyone who has information regarding the child and the potential adoptive families may be invited by the Adoption Committee to present information but not participate in the deliberations.
- F. The Adoption Committee will reach a decision regarding the most appropriate adoptive family for the child or sibling group by consensus. If consensus cannot be reached, the Adoption Committee will submit their recommendation to the

region director or the Child and Family Services director, if needed, who will make the final decision.

G. All proceedings from the Adoption Committee are confidential and maintained at a protected status. Each participant at the Adoption Committee meeting will sign Confidentiality Form DCFS01.

H. Minutes will be taken at each Adoption Committee meeting. A copy of the minutes will be maintained at the local office or at a centralized location within the region and relevant portions may be added to a child's case record.

I. Justification for Selection of an Adoptive Family: The Adoption Committee will select the best adoptive family to meet the needs of the child or sibling group and document the proceedings in the meeting minutes according to the following:

1. Document the rationale, including how the selection of the proposed adoptive family meets the long-term best interests of the child.
2. If none of the proposed adoptive families are selected, document the rationale.
3. If siblings are not placed together, document the reasons.

J. When a prospective adoptive family for the child has been selected, the caseworker will notify the family in writing of their selection.

K. A family that is not selected for an adoptive placement of a specific child will have no right to appeal the decision unless they have been the child's current licensed foster family for six months or more. In these cases, the foster parent due process rights for removal of a child applies. [See: Foster Parents Due Process, Utah Administrative Code, Human Services Rule R512-31.]

#### 401.8 Matching The Child And The Adoptive Family By The Adoption Committee

Major objectives:

Child and Family Services will use every effort to make a smooth and effective transition to the adoptive home with the foster family, the child, and others who have a supportive relationship with the child. All out-of-home requirements continue to be applicable until the adoption is finalized.

#### Applicable Law

Utah Code Ann. [§78B-6-137](#). Decree of adoption -- Best interest of child -- Legislative findings.

Utah Code Ann. [§78B-6-144](#). Mutual-consent, voluntary adoption registry -- Practice Guidelines -- Fees.

Practice Guidelines

A. Access to Relevant Records - Adoptive families will have access to all relevant information in the case record to help them understand and accept the child and preserve the child's history.

B. Ongoing Support - Child and Family Services will inform the adoptive family of community services and adoption assistance available before and after the adoption is finalized. Child and Family Services will provide ongoing support to the child and adoptive parents during the transition until finalization of the adoption. At a minimum, the finalization will take six months. Child and Family Services' involvement will continue until the adoption is finalized. As part of the supervision, Child and Family Services will develop a service plan within 30 days of placement. The caseworker will maintain contact with the adoptive family including frequent visits with the child for at least the first six months after placement. Post-adoption services will be made available, as needed, to the child and family.

C. Parental Request or Concerns with Adoptive Placement - Child and Family Services will consider removal of a child before an adoption is finalized if the adoptive parents request removal or if serious circumstances impair the child's security or development.

D. Prior to removal, Child and Family Services will respond to an adoptive family's concerns in a timely manner, counsel with the family, and, if possible and appropriate, offer further treatment, including intensive in-home services or temporary removal of the child from the home for respite purposes.

E. Decision to Remove - If removal is sought, the Child and Family Team will review the placement progress and present situation and decide to either continue placement with further services or to remove the child from the home. The placement committee will be notified and will assist the Child and Family Team to locate a placement. The region director will review and approve the decision.

F. Documentation of Removal - Removal of a child from an adoptive family will be documented in the child's record and in the adoptive family record.

G. Notice of Agency Action - If a decision is made to remove the child, a Notice of Agency Action will be sent to the adoptive parents notifying them of their due process rights. The adoptive family will be offered the same rights as those

offered a foster family regarding removal of a child. [See: Utah Administrative Code, Human Services, Rule [R512-31](#).]

H. Adoption Finalization and Post-Adoption - Before an adoption is finalized, the appropriate Adoption Committee will review the placement, authorize finalization, and approve adoption assistance, when appropriate.

I. Adult Adoptee or Adoptive Family Request for Records - The adoption records of Child and Family Services will be made available to the adoptive parents or adult adoptee upon written request in accordance with GRAMA. [See: Utah Code Ann. [§63G-2](#).]

J. Priority Guidance for Selecting Adoptive Parents:

1. Indian children must be placed with prospective adoptive families according to the provisions of ICWA.
2. The adoption caseworker will make a full report to the court in the home study that the applicant(s) comply with Utah Code Ann. [§78B-6-117](#) and are legally married, or are registered with a court of competent jurisdiction in a common law marriage, or is a single person not cohabitating with another person.
3. The decision to place a child with an adoptive parent or adoptive parents must comply with Utah Code Ann. [§62A-4a-602](#) and [§78B-6-117](#).
4. Priority in adoption is given as follows:
  - a. To a man and a woman who are legally married. Prospective adoptive parents have a valid proof of a legal marriage or have a court document for registration of a common law marriage from a court of competent jurisdiction.
  - b. To a single parent who is not cohabitating with another person in a sexual relationship.
5. An individual who is not cohabitating may be an adoptive parent if it is in the best interest of the child. For example, the child requires unique medical, educational, or behavioral care that is not available in the pool of legally married couples.
6. No presumption should be made that individuals who reside together are involved in a sexual relationship.

K. Tax Credit Information – Inform the adoptive family who was selected for a child that there is a tax credit for adopting a child from foster care. The family can find out more about the tax credit by going to the Adoption Connection website at [www.utdcfsadopt.org/index.shtml](http://www.utdcfsadopt.org/index.shtml) and looking up tax credit information under the “Considering Adoption” sidebar.

L. Preparation of the Child for an Adoption:

1. The caseworker will make every effort to ensure that an infant who will be free for adoption is placed with a family who is qualified for adoption.
2. The caseworker will help the child work through the issues associated with adoption (for example, concerns about separation from foster parents, transition to a new family, etc.). A therapist may assist in this process if the caseworker determines that this assistance is needed.
3. When appropriate, the caseworker will encourage continuation of a child's relationships with individuals with whom the child has previous, supportive emotional ties such as a foster family, a caseworker, a therapist, and/or extended family members. The caseworker will counsel the adoptive parents concerning the issues the child may have as the transition is made to an adoptive placement.
  - (a) According to Utah Code Ann. [§78B-6-117](#), it is not in a child's best interest to be adopted by a person or persons who are cohabitating in a relationship that is not a legally valid and binding marriage under the laws of this state. Nothing in this section limits or prohibits the court's placement of a child with a single adult who is not cohabitating as defined in subsection (3)(b).
  - (b) For purposes of this section, cohabitating means residing with another person and being involved in a sexual relationship with that person.
4. The caseworker will ensure that the child's life book is prepared to accompany the child to the adoptive placement. The child's life book, including personal information regarding the child's life and family of origin that has been gathered by the foster family or biological family, will be forwarded to the adoptive family. This may include written records, photographs, birth information, and schoolwork.

M. Steps to Prepare for an Adoptive Placement:

1. The caseworker will provide ongoing support to the adoptive parents during the transition, placement, and supervisory period.
3. The caseworker will inform the adoptive family about specific services that are available during the supervisory period and after finalization. These services may include adoption assistance, post-adoption services, and/or training that may be available to help the parents respond to special needs of the child. Adoptive parents will verify in writing that post-adoption services were offered.
4. The caseworker will notify the family that if they are requesting adoption assistance, an adoption assistance agreement must be signed prior to the finalization of the adoption.

- 
- 886           5.     The caseworker will inform the family that they have the right to apply for  
887           adoption assistance. The regional adoption subsidy committee will  
888           determine if the child qualifies. If the child is denied adoption assistance,  
889           the family will be sent a notification of a right to a fair hearing at which  
890           they can appeal that decision.
- 891           6.     If the level of adoption assistance is offered at less than the requested  
892           amount, the regional adoption subsidy committee will send the family a  
893           notification of a right to a fair hearing.
- 894
- 895   N.     Court Fees - The adoptive parents are responsible to petition the court and pay  
896           for fees associated with finalization.
- 897
- 898   O.     Payment to Adoptive and Foster/Adoptive Care Parents Prior to Finalization:
- 899           1.     The caseworker will explain the appropriate types of adoption assistance  
900           to the adoptive parents and assist them with the process.
- 901           2.     The caseworker will explain to the adoptive parents that funds for the child  
902           who is not legally free for adoption are foster care funds.
- 903           3.     The caseworker will explain that assistance for the child who is legally free  
904           for adoption may be foster care funds or upfront adoption assistance funds  
905           if the child is eligible for adoption assistance and Child and Family Services  
906           funding is available. The amount and type of payments for a child in Child  
907           and Family Services custody placed with an adoptive family may be the  
908           same as for any other child in custody until finalization.
- 909           4.     The caseworker will negotiate the level of adoption assistance. The  
910           Adoption Committee will approve or disapprove the negotiated level of  
911           adoption assistance. If the proposed level of adoption assistance is  
912           disapproved, the caseworker will renegotiate the level of adoption  
913           assistance with the adoptive family prior to finalization.
- 914           5.     The caseworker will inform the family that they have the right to apply for  
915           adoption assistance. The regional adoption subsidy committee will  
916           determine if the child qualifies. If the child is denied adoption assistance,  
917           the family will be sent a notification of a right to a fair hearing at which  
918           they can appeal that decision.
- 919
- 920   P.     Community Services - The caseworker will inform adoptive parents of appropriate  
921           community services, as needed, after placement but before the adoption is final.  
922           The caseworker will facilitate linking the family with community services to help  
923           the child become successfully integrated into the adoptive family.
- 924
- 925   Q.     Information Regarding Court Proceedings - The caseworker will help adoptive  
926           parents understand the juvenile, district or tribal court proceedings for finalizing  
927           the adoption.



- R. Adoptive Placement from Another Region or Child and Family Services Office - If it is necessary to remove a child who was placed with an adoptive family at the request of another region, staff from the sending region will establish a plan for future placement based upon the needs of the child. The plan will be submitted for approval to the Adoption Committee and the region director in the region where the child was placed.
- S. Parent Support Groups - The caseworker may arrange for and facilitate parent support groups for families who have adopted a child with special needs and who request ongoing supportive services. The adoptive parents may be encouraged to take an active role in developing and maintaining the support group.

#### 401.8a Contact Between Adopted Child And Birth Family Members

##### Philosophy:

Help children stay connected with birth family members after adoption to help relieve loss, cultivate a pride in their heritage, and answer questions about family histories of medical and mental health conditions.

##### Major objectives:

Child and Family Services will help children who are adopted benefit from contact with birth family members when all parties agree it is safe and appropriate. Contact with birth family members may help a child:

- A. Relieve grief and loss. Children have often lost connections with birth family members through being in out-of-home care and further lose connections after they are adopted.
- B. Cultivate pride in their biological heritage to develop self-worth and good self-esteem. Contact with appropriate birth family members can help an adopted child understand their biological heritage.
- C. Explain things like their genetic traits and possible inherited medical and mental health conditions.

##### **Applicable Law**

Utah Code Ann. [§62A-4a-205.6](#). Adoptive Placement Time Frames.  
Utah Code Ann. [§78B-6-146](#). Post Adoption Contact Agreement.



Definitions

- A. Post Adoption Contact Agreement: A document, agreed upon prior to the finalization of an adoption of a child in custody of Child and Family Services, that outlines the relationship between an adoptive parent, birth parent, or other birth relative and an adopted child after the finalization of adoption.
- B. Other Birth Relative: A grandparent, stepparent, sibling, stepsibling, aunt, or uncle of the prospective adoptive child.

Practice Guidelines

- A. The caseworker will discuss with the Child and Family Team the short- and long-term advantages and disadvantages of a post adoption contact agreement with birth family members.
1. Determine if there are birth family members who can be safe and appropriate.
  2. Determine if contact with safe and appropriate birth family members would benefit the child and be in the child's best interest.
- B. The caseworker will discuss with the prospective adoptive parents if they are willing to consider contact with safe and appropriate birth family members. If so:
1. Assess if a relationship with birth family member(s) can be non-judgmental and trusting and if not, what things would be helpful to develop a basic trust.
  2. Assess whether both the prospective adoptive parents and birth family member(s) for who contact is being considered agree that they want contact.
  3. For each birth family member for whom contact is agreed upon by both the adoptive parents and the birth family member, determine:
    - a. What kind of contact (such as letters, email, telephone calls, video conferencing, or face-to-face visits).
    - b. How often contact would be beneficial. Examples may be yearly, quarterly, or monthly.
    - c. The kind and frequency of contact should be defined separately for each birth family member for whom contact would benefit the child.
- C. The caseworker will educate the prospective adoptive parents that post adoption contact agreements may be a:
1. Verbal agreement between them and the birth family member.
  2. Written agreement between them and the birth family member which details agreed-upon contact. This type of agreement is written in good will but is not legally enforceable.

3. Legally enforceable written post adoption contract agreement between them and the birth family member that is submitted in court at the time of the adoption finalization.

- D. The caseworker will help the prospective adoptive parents think through how changes in the agreed-upon contact will be addressed in the future.

Legally Enforceable Post Adoption Contact Agreement

- A. When both the prospective adoptive parents and birth parent or other birth relative agree to enter into a legally enforceable post adoption contact agreement, a caseworker may help in the development of that agreement.
  1. Child and Family Services may NOT take into account a prospective adoptive parent's willingness, or unwillingness, to enter into a post adoption contact agreement before placing the prospective adoptive child for adoption.
  2. Child and Family Services may NOT imply a legally enforceable post adoption contact agreement is required before an adoption may be finalized.
  3. In order to be legally enforceable, a post adoption contact agreement will be:
    - a. Approved by the court before the finalization of the adoption, with the court making a specific finding that the agreement is in the best interest of the child;
    - b. Signed by each party claiming a right or obligation in the agreement; and
    - c. Approved by the child, if the adopted child is 12 years of age or older.
- B. The caseworker will ensure that the post adoption contact agreement includes the following:
  1. A description of visits, if any, that will take place between the birth parent, other birth relative, prospective adoptive parent, and adopted child, and the degree of supervision, if any, that will be required during a visit between a birth parent, other birth relative, and adopted child.
  2. What information, if any, will be provided to a birth parent or other birth relative about the adopted child and how often that information will be provided.
  3. A description of what grounds, if any, on which the adoptive parent may;
    - a. Decline to permit visits between the birth parent or other birth relative and the adopted child; or
    - b. Decline to permit information provided to a birth parent or other birth relative about the adopted child.

- 
- 1051  
1052 C. The caseworker will ensure that all parties understand that a violation of a post  
1053 adoption contact agreement is not grounds:  
1054 1. To set aside an adoption; or  
1055 2. For monetary damages.  
1056  
1057 D. Child and Family Services and the court will presume that the adoptive parent's  
1058 judgment about the best interest of the child is correct in any action seeking to  
1059 enforce, modify, or terminate the post adoption contact agreement.  
1060  
1061 E. The caseworker will ensure that all parties understand that in the case of a  
1062 violation of a post adoption contact agreement, the court that approved the post  
1063 adoption contact agreement may order the parties to attend mediation if it is  
1064 determined to be in the child's best interest. The mediation will determine if:  
1065 1. The parties performed the duties outlined in the post adoption contact  
1066 agreement in good faith;  
1067 2. There is a reasonable alternative that fulfills the spirit of the post adoption  
1068 contact agreement without ordering mandatory compliance with the post  
1069 adoption contact agreement; and  
1070 3. Enforcement of the post adoption contact agreement is in the best interest  
1071 of the adopted child.  
1072  
1073 F. The caseworker will ensure that the post adoption contact agreement does not  
1074 limit the adoptive parent's ability to move out of state.  
1075  
1076 G. The caseworker will have the prospective adoptive parents and any birth family  
1077 member who is a party of the draft agreement read and sign the agreement.  
1078  
1079 H. The caseworker will send the post adoption contact agreement to the Assistant  
1080 Attorney General and the child's Guardian ad Litem for input and to be written as  
1081 a court document.  
1082

## 401.9 Post-Adoption Services

### Philosophy:

Adoption is an ongoing process that brings joys and challenges and unknown factors. The emotional highs and lows all families experience may be intensified by the many facets of adoption.

Child and Family Services has post-adoption services for families who have adopted children from foster care or who have been involved with Child and Family Services.

### Major objectives:

- A. Support families who have adopted children or youth from Child and Family Services.
- B. Prevent the disruption of children from adoptive placements.
- C. Post-adoption services include:
  - 1. Helping adoptive families who have questions or concerns.
  - 2. Helping adoptive families find community resources specific to their needs.
  - 3. Accessing the adopted child's case file and information.
  - 4. Assisting adoptive families and their children with appropriate connections with birth family members.
  - 5. Providing clinical expertise to help adoptive families with the challenges of parenting children who have special needs.

### **Applicable Law**

Utah Code Ann. [§62A-4a-101](#). Definitions.

Utah Code Ann. [§62A-4a-607](#). Promotion of adoption -- Agency notice to potential adoptive parents.

Utah Code Ann. [§75-5-103](#). Delegation of powers by parent or guardian.

### Practice Guidelines

- A. Place to Call for Help. Post-adoption workers will help adoptive families who have questions or concerns. Having an adoption professional available for an adoptive family to talk with about concerns often relieves the stress that can be created from not knowing where to turn for help.
- B. Community Resources for Adoptive Families. Post-adoption workers will have a working knowledge of community resources that may help adoptive families with their specific situations. Post-adoption workers may:
  - 1. Connect families to helpful informational resources, support groups, schools, respite care options, mental health professionals, and an adoption

- lending library with many resources. Refer families to the website [www.utdcfsadopt.org](http://www.utdcfsadopt.org) for updated adoption resources as well as printed materials such as the Utah Post-Adoption Resource Connection booklet and the Child and Family Services Adoption Connection newsletter.
2. Cultivate resources or find creative alternatives to address the specific needs of adoptive families.
- C. Access to Case Files and Information. Post-adoption workers are in the unique position of having access to information from the adopted child's out-of-home care file. This information can help the adopted child and family understand the child's history and identify connections between past, present, and future. Out-of-home care file information may also reveal timeframes for life events, gaps in information, and past services that may be helpful in raising an adopted child.
- The post-adoption worker may help the adoptive parent gather information from the out-of-home care file to understand and share with the child as they grow. Information from the out-of-home care file can be helpful to the child in understanding themselves and their history.
1. The confidentiality agreement, SAFE form DCFS02, must be signed by the adoptive parent prior to viewing the file.
  2. Child and Family Services should orient the adoptive parent to the structure of the file and where information is located.
- D. Contact with Birth Family. Post-adoption workers can provide the invaluable service of bridging the gap between the adoptive family and the birth family. This allows a forum for the adopted child to stay connected with important people from his or her life, yet gives the adoptive and birth families some expert guidance to help with an emotionally charged situation.
- E. Clinical Expertise. Post-adoption workers in most regions have clinical expertise themselves or access to clinical expertise to help adoptive families with the challenges of parenting children who have special needs.
- Post-adoption workers will provide or facilitate crisis and time-limited counseling to stabilize a difficult situation. When an adoptive family is in crisis:
1. The initial intervention will be family preservation services with intense clinical intervention to stabilize the family.
  2. Family preservation services will be used as a way to assess the family's needs and incorporate appropriate services.
  3. Child and Family Team Meetings will be held to work concurrently with community mental health, respite care, cluster groups, and other resources to provide ongoing support to continue the family's stability.

F. Documentation of Post-Adoption Services.

1. Short meetings or conversations with an adoptive family will be logged in the Adoption Assistance (AAM) file.
2. A Post-Adoption (PAT) case will be opened for anything that involves more than referrals or short meetings.
  - a. If services continue for 30 days, even on a limited basis, a PAT case should be opened.
  - b. Cases should be linked from the AAM, or
    - (1) from the Out-of-Home Care (SCF) case if the child is in custody, or
    - (2) from the Child Protection Services (CPS) case if the family or the child has a CPS referral.
3. Post-Adoption (PAT) interventions should have a written Child and Family Assessment and Child and Family Plan.
4. If the PAT casework includes services that may require funding considerations, funding requests will be coordinated with the Adoption Assistance Committee.
  - a. If the AAM case is in a different region than where the family resides, the family would be asked if the AAM case could be transferred to the region where the family resides.
  - b. When considering transferring an AAM case, the monthly adoption subsidy will be reviewed to assess a need for an increase before the case transfer is made.
  - c. Post-adoption and adoption assistance workers from each region will coordinate to make a request to transfer the AAM case.
  - d. The combined recommendation from each region's post-adoption and adoption assistance worker will then be submitted to the region director for the AAM case and funding transfer.
5. Reviews of PAT cases.
  - a. If there is only a minimal or no monthly adoption subsidy increases to address services needs, PAT cases should be reviewed every six months.
  - b. If there is a significant increase in the monthly adoption subsidy and/or use of Federal Adoption Promoting Safe and Stable Family (FPA) and/or supplemental funding requests to address the service needs, PAT cases should be reviewed at least every three months.

G. Medicaid Carve-Out. When an adoptive family or Child and Family Services thinks that the family is not able to meet their mental health needs through the Public Mental Health Provider (PMHP), the post-adoption worker will assist the parent in evaluating their need to ask for an exemption from the PMHP. The

post-adoption worker will then help the parent select a contracted mental health provider that is willing to bill Medicaid and that is best suited to help the family and adopted child achieve the desired outcomes.

1. If the requested therapist is the mental health therapist who was treating the child while the child was in out-of-home care, the post-adoption worker will discuss with the family what PMHP can offer that may not be available with the contract provider, such as a psychiatrist and psycho-educational groups.
  - a. The post-adoption worker will determine if the requested therapist contracts with the PMHP. If so, the post-adoption worker will inform the parent they may remain in the PMHP and continue to receive services from the current therapist.
  - b. If the parent wants to carve-out of (or be exempt from) the PMHP, the post-adoption worker will contact the identified mental health therapist and verify their willingness to treat the family and obtain the date the treatment will begin.
  - c. The post-adoption worker will use the Department of Health, Child and Family (DHCF) template to submit the PMHP exemption information and request to Medicaid. The request for the Medicaid carve-out should be sent via fax or email directly to the Department of Health, Medicaid adoption carve-out contact person.
2. If a mental health therapist has not yet been identified, a clinical post-adoption worker will work with the adoptive family to clinically assess the adopted child's treatment needs, including level and type of treatment (e.g., outpatient family or group therapy, residential treatment, etc.).
  - a. During the clinical assessment, the post-adoption worker will determine the clinical appropriateness of the Medicaid carve-out.
  - b. The post-adoption worker will obtain the child's treatment history from the parent, including any inpatient or residential treatment and involvement with the PMHP, including:
    - (1) the names of providers;
    - (2) the reasons for the treatment;
    - (3) the length of the treatment episode;
    - (4) when services were provided; and
    - (5) the parent's perceived outcome of the treatment.
  - c. The post-adoption worker will determine if the child has been staffed by a multi-agency team. If the child has been staffed, the post-adoption worker will obtain:
    - (1) the name of the team and participating agencies;
    - (2) when the staffing occurred; and
    - (3) what was the recommendations of the staffing.



- 1250 d. The post-adoption worker will discuss with the PMHP and parent,  
1251 preferably together, whether the PMHP and parent can develop an  
1252 agreed-upon treatment plan.  
1253 (1) If they can, the Medicaid carve-out process ends.  
1254 (2) If they cannot, the Medicaid carve-out process continues.  
1255 e. The post-adoption worker or professional team will provide  
1256 information to the parent about the level and kind of treatment that  
1257 has been recommended for the child.  
1258 f. The post-adoption worker will assist the parent with the selection of  
1259 a mental health therapist by providing information about the  
1260 therapist's areas of expertise and by offering several names of  
1261 qualified contracted mental health providers who provide the level  
1262 of services recommended and who practice in the family's area.  
1263 g. The post-adoption worker will submit the Medicaid exemption  
1264 information and request to Medicaid via fax or email and will send  
1265 the request directly to the Department of Health, Medicaid  
1266 adoption carve-out contact person. Using the DHCF template, the  
1267 post-adoption worker will provide the:  
1268 (1) name of the child;  
1269 (2) Medicaid ID number;  
1270 (3) parent's name;  
1271 (4) name of post-adoption worker;  
1272 (5) phone number and fax number of post-adoption worker;  
1273 (6) name of PMHP;  
1274 (7) reasons for requested PMHP exemption (this is important so  
1275 Medicaid can track trends and PMHP accessibility);  
1276 (8) date of the carve-out request;  
1277 (9) summary of the:  
1278 (a) services requested (outpatient or residential);  
1279 (b) name of the provider;  
1280 (c) date the provider was contacted to verify that the  
1281 provider is willing to treat the family;  
1282 (d) name of the staff person contacted if different than  
1283 the therapist (e.g., Mary Jones, receptionist at ABC  
1284 counseling center);  
1285 (e) date the provider will begin services; and  
1286 (10) clinical recommendation.  
1287 h. Medicaid will then implement the carve-out from the PMHP for  
1288 mental health services and return the completed request to the  
1289 post-adoption worker, documenting the:  
1290 (1) date the exemption request was received, and  
1291 (2) date the exemption will be effective.



- 
- 1292 i. The post-adoption worker will inform the parent that the Medicaid  
1293 carve-out has been processed and that a new Medicaid card will be  
1294 issued.
- 1295 j. Medicaid will send information to the PMHP that the child has been  
1296 exempt.
- 1297
- 1298 H. Out-of-Home Placement. When a family cannot address an adopted child's  
1299 needs within their family setting, out-of-home placement may need to be  
1300 assessed.
- 1301 1. Youth Service Centers (in regions where they exist) or Family Support  
1302 Centers should be used to allow for a cooling down period for the family  
1303 and to allow the post-adoption worker to assess the child and family's  
1304 needs.
- 1305 2. A Child and Family Team Meeting will be convened with the family, at least  
1306 two Child and Family Services staff, Youth Service Center staff, and any  
1307 others who are involved or who may be helpful.
- 1308 3. The Child and Family Team will explore what services or supports may help  
1309 address the problems while allowing the child to stay with the family.
- 1310 4. Extended respite care (two to 15 days) may be sought as a time to  
1311 continue to assess family needs.
- 1312 5. If regular extended respite care could address the family's needs, then  
1313 appropriate resources will be explored.
- 1314 6. If out-of-home placement is indicated, explore a voluntary agreement the  
1315 family might make with a relative, friend, or proctor family (family-to-  
1316 family) without Child and Family Services involvement. This allows the  
1317 family to negotiate costs, visits, and other plans.
- 1318 7. Voluntary family-to-family agreements should always address how the  
1319 family will stay involved. The long-term view should be evaluated with  
1320 questions such as; "Where will the child spend holidays and vacations?  
1321 Who will help when the car breaks down or the child breaks a leg? Who  
1322 will help with post-high school education? When the youth becomes an  
1323 adult, who will help with the wedding or when a baby is born?" In a  
1324 voluntary agreement between an adoptive family and another family:
- 1325 a. The adoptive family will arrange to give the family who is assuming  
1326 physical custody a temporary Delegation of Custody and/or a  
1327 properly executed Power of Attorney (Utah Code Ann. [§75-5-103](#)).  
1328 The family may require legal advice.
- 1329 b. The child's Medicaid card will be sent to the family with physical  
1330 custody of the child.
- 1331 c. The monthly adoption subsidy will continue to go to the adoptive  
1332 family who will forward it to the family with physical custody of the  
1333 child.

- 
- d. The family with physical custody has no legal standing.
  - e. The adoptive family continues to be financially and legally responsible for the child.
  - f. Either family can revoke the voluntary agreement at any time.
  - g. The family with physical custody has the power to make decisions regarding routine medical and basic educational needs of the child.
  - h. Either family may stay in contact with Child and Family Services as needed.
8. Legal custody and guardianship is a legal process in which an adoptive family may give another family the legal rights to raise the child. The following are required for such an arrangement:
- a. Court involvement.
  - b. The child's Medicaid card will be sent to the legal guardianship family.
  - c. The Office of Recovery Services will assess the adoptive family child support payments.
  - d. The monthly adoption subsidy continues to go to the adoptive family, who continues to be financially responsible.
  - e. The family who is granted legal guardianship may apply for guardianship subsidy (guardianship subsidies are less than adoption subsidies).
  - f. Either family may stay in contact with Child and Family Services as needed.
9. If an out-of-home placement is indicated yet a voluntary family-to-family placement is not appropriate because of the mental health treatment needs of the child, then a Medicaid carve-out for residential treatment may be assessed. Clear treatment objectives, family involvement, and the child's return home plan will be part of the Medicaid carve-out plan.
- a. A PAT case will be opened in SAFE.
  - b. Child and Family Team Meetings will be held as often as needed to keep the family involved in decisions.
  - c. The case will be reviewed a minimum of every three months.
- I. Medicaid Carve-Out for Residential Treatment.
- 1. The post-adoption worker and the parent together will determine if residential treatment is indicated, as well as the level and kind of residential treatment that would best meet the child's mental health needs.
  - 2. The post-adoption worker may want to contact a Child and Family Services contract specialist to:
    - a. Obtain information on the most appropriate residential treatment provider, taking into account the location of the provider, provider expertise, availability of a bed, etc.

- 1376                   b.     Obtain the correct Child and Family Services code (that would have  
1377                   been used for a child in out-of-home care) for the residential  
1378                   treatment provider ultimately selected (e.g., DRM, DIR, etc.). This is  
1379                   absolutely necessary so Medicaid can ensure that the provider bills  
1380                   only the rate agreed to in the provider's contract with Child and  
1381                   Family Services.
- 1382           3.     The parent is responsible for the room, board, and educational costs of the  
1383           residential treatment program. The post-adoption worker will discuss with  
1384           the parent how this will be paid. The parent may use the adoption monthly  
1385           subsidy to help cover costs.
- 1386           4.     The post-adoption worker then:
- 1387                   a.     Contacts the selected residential treatment provider to ensure the  
1388                   provider is willing to serve the child and determine the date the  
1389                   provider will begin providing services.
- 1390                   b.     Estimates the length of treatment and develops an after-care plan,  
1391                   including services the family will receive after discharge from the  
1392                   residential treatment and whether the child will be re-enrolled in the  
1393                   PMHP.
- 1394                   c.     Using the DHFC template, submits the exemption information and  
1395                   request to Medicaid via fax or email and sends the request directly  
1396                   to the Department of Health, Medicaid adoption carve-out contact  
1397                   person.
- 1398                   d.     Using the DHCF template, provides the:
- 1399                           (1)    name of the child;  
1400                           (2)    Medicaid ID number;  
1401                           (3)    parent's name;  
1402                           (4)    name of the post-adoption worker;  
1403                           (5)    phone number and fax number of the post-adoption worker,  
1404                           (6)    name of the PMHP;  
1405                           (7)    reasons for requested the PMHP exemption (this is important  
1406                           so Medicaid can track trends and PMHP accessibility);  
1407                           (8)    date of the carve-out request;  
1408                           (9)    summary of the:  
1409                                   (a)    service requested (outpatient or residential);  
1410                                   (b)    name of the provider;  
1411                                   (c)    date the provider was contacted to verify if the  
1412                                   provider is willing to treat the youth;  
1413                                   (d)    name of the staff person contacted if different than  
1414                                   the therapist (e.g., Mary Jones, receptionist at ABC  
1415                                   counseling center);  
1416                                   (e)    date the provider will begin services;  
1417                                   (f)    level of care (e.g., DIR, DRM, etc.);

- 
- 1418 (g) proposed discharge date; and  
1419 (10) Clinical recommendation.
- 1420 5. Medicaid will implement the exemption from the PMHP for mental health  
1421 services and will return the completed request to the post-adoption  
1422 worker, documenting the:  
1423 a date the exemption request was received; and  
1424 b. date the exemption will be effective.
- 1425 6. The post-adoption worker will inform the parent that the Medicaid carve-  
1426 out has been processed and that a new Medicaid card will be issued.
- 1427 7. Medicaid will send information to the PMHP that the child has been  
1428 exempt.  
1429
- 1430 J. Determining the Appropriate Funding Source. When both state Supplemental  
1431 Adoption Assistance (SAC) and federal FPA funding would be appropriate to use  
1432 for a funding request, the following guidelines should be considered.
- 1433 1. Federal funds should be considered before state funds to assure all federal  
1434 funds (which include a state match) are used in each fiscal year.  
1435 a. The level of Title IV-E monthly subsidy should be assessed to  
1436 determine if it is appropriate to increase the monthly subsidy with a  
1437 time-limited amendment to address the special needs of a child who  
1438 requires residential mental health treatment.  
1439 b. Federal FPA funds (which include a state match) should be  
1440 considered for use before state SAC funds.  
1441 c. Federal FPA funds are best used for time-limited expenditures of  
1442 less than \$2,000 per family. When using federal FPA funding, take  
1443 into account other needs the region may have for the use of such  
1444 funds.
- 1445 2. State SAC funds are best used for extensive, expensive, or long-term  
1446 expenses after it is determined that increasing Title IV-E monthly adoption  
1447 subsidy and federal FPA funding are not appropriate or available.  
1448
- 1449 K. Juvenile Justice Services or Department of Human Services Custody. Post-  
1450 adoption workers may need to help an adoptive family when an adopted child is  
1451 involved with the Division of Juvenile Justice Services and the court orders the  
1452 child into the custody of Child and Family Services or an adopted child is taken  
1453 into the custody of the Department of Human Services to receive services for  
1454 people with disabilities.  
1455
- 1456 L. Requests for Child and Family Services to Take Custody. When a family requests  
1457 Child and Family Services take custody of their child, the post-adoption worker  
1458 should offer the family a break and help the family assess their options.

1. The post-adoption worker should offer the family a break by having them take the child to Youth Service Centers (in regions where they exist) or Family Support Centers to allow a cooling down period for the family and to allow the post-adoption worker to assess the child and family's needs.
  2. A PAT case will be opened.
  3. Child and Family Team Meetings will be held to assess the family's strengths and challenges, what resources have been utilized, and what resources may be available. The Child and Family Team will explore what services or supports may help address the problems while allowing the child to stay with the family.
  4. A Child and Family Assessment will be developed.
  5. An out-of-home placement may be arranged if the assessment deems it is appropriate for the child and family.
  6. A Child and Family Plan for reunification services will be developed.
  7. Child and Family Services custody may be considered after the child has been in an out-of-home placement and the following circumstances are present:
    - a. Parent appears to be totally disengaged from the child and shows no willingness to look at options of how the child will return home.
    - b. Parent is not paying the fees for room and board.
    - c. Best interest of the child would dictate looking at Child and Family Services taking custody, such as when the parent is so negative with the child that there is possible damage or when the child's behavior is so unacceptable to the parent that even with treatment they will not stay engaged.
    - d. Time often tells what is in the best interest of the child. The child often wants to go home but in situations when the family is totally disengaged it may help to move forward with another adoptive placement (when possible).
  8. When considering Child and Family Services taking custody of a child, disclose to the parent about court involvement, permanency time frames, and that the Office of Recovery Services will assess child support payments.
- M. Adoptive Parents Who Want to Relinquish Parental Rights. A family may want to voluntarily relinquish their parental rights to an adopted child.
1. The post-adoption worker will work with the family to show that reasonable efforts were made to keep the child out of state custody.
    - a. Intensive family preservation services should be offered.
    - b. Placement of the child with extended family, friend, neighbor, birth relatives, etc. should be explored.

- c. For youth who are 16 years old and older, Job Corps might be explored as a possible option.
  2. If the child must be removed from the adoptive home immediately, have the parent sign a Voluntary Custody form giving custody and guardianship to Child and Family Services and place the child in shelter care.
    - a. Child and Family Services will maintain custody for 12 months following a Child and Family Plan, before relinquishment of parental rights are considered to allow court reviews and permanency hearings to take place.
    - b. Another adoptive family should be in place before relinquishment of parental rights will be considered.
  3. The adoptive family will need to hire their own attorney. Their attorney will file a petition with Juvenile Court to terminate the parent's parental rights. Because the state has no jurisdiction, the family will be the party petitioning the court to dissolve the adoption. Once this is done, an Assistant Attorney General (AAG) will be involved and a judge and Guardian ad Litem (GAL) will be assigned to the case.
  4. The GAL is often against the relinquishment of parental rights if it makes the child an orphan or terminates the parents' financial support of the child or youth.
  5. The current therapist, post-adoption worker, and anyone who can address what is in the best interest of the child will need to write a report and may need to testify in court.
  6. The post-adoption worker should write a court report, which clearly states what is in the best interest of the child, such as:
    - a. There are irreconcilable differences in the home (i.e., the child does not feel safe in the adoptive home, the child is a threat to other children in the home, or the home environment has become toxic for the child).
    - b. There are other significant people in the child's life who will fulfill a parental role, or who will adopt the child, or who will take custody and guardianship of the child.
    - c. The appropriateness of a goodbye visit or future contact with the adoptive parent.
    - d. Future contact with birth siblings, if there are birth siblings in the adoptive home.
    - e. A recommendation that the relinquishment of parental rights not be granted until another adoptive home is found.
  7. The post-adoption worker should inform the parent that the case could go to a full termination trial and the parent may not be allowed to voluntarily relinquish their parental rights.

8. The post-adoption worker should inform the parent that the court will order them to contact the Office of Recovery Services and pay a portion of the out-of-home care costs until their parental rights are terminated or if parental rights are not terminated, until the youth turns 18 years old. The adoption assistance worker should be informed of how long the parent will be paying child support.
9. If an adopted child was receiving a federal Title IV-E adoption assistance and there is another family who wants to adopt the child, the child will continue to be eligible for the Title IV-E adoption assistance without the child coming into state custody. In such circumstances:
  - a. The child must be in the new adoptive home for at least six months.
  - b. If the first adoptive family continues to receive the monthly adoption subsidy, and they must forward it to the second adoptive family during the six-month period as the payee cannot be changed.
  - c. The first family can relinquish their parental rights and consent to the adoption, and the second family can adopt the same day.
10. An adopted child who was receiving a Title IV-E adoption subsidy is automatically eligible for Title IV-E adoption assistance in the next adoption. It must be screened with the Adoption Assistance Committee prior to the finalization.
11. If an adopted child was receiving a state monthly adoption subsidy, the second adoptive family will not receive a monthly adoption subsidy unless:
  - a. the child is in public foster care; or
  - b. the child is eligible for Social Security Income for disability.
12. Termination of the parent-child legal relationship does not terminate the child's right to inherit from the parent.
13. When a child adopted in Utah resides in another state, a petition has to be filed in the state where the adoptive family resides. Utah has no jurisdiction.



## 401.9a Adoption Assistance

### Philosophy:

Adoption assistance was originated by the federal government to address the financial barrier to adopting a child with special needs who waits in public foster care for a permanent family. The purpose of the Adoption Assistance Program is to aid an adoptive family to establish and maintain a permanent living arrangement for a child who qualifies.

Adoption preparation is much more than helping a prospective adoptive family understand financial and medical assistance. It involves helping the family understand all the ways things will change as they go from fostering a child to adopting and being the legal parent to a child with special needs.

### Major objectives:

- A. The caseworker will begin to educate the permanent family about the changes adoption will bring to their family at the time reunification services are no longer offered or the permanency goal changes to adoption.
- B. The Child and Family Team will help the prospective adoptive family assess what they will need to parent the child in the present and in the future.
- C. The Child and Family Team will help the prospective adoptive family begin to think about all the needs the child has and the services that have been and/or will be required to meet those needs.
- D. The caseworker will help the family determine what they may or may not have available to them after the adoption.
- E. The caseworker, through the prior objectives, will help the family start thinking about their adoption assistance needs.

### **Applicable Laws**

Federal Law Title IV-B Part 2 Promoting Safe and Stable Families

Federal Law Title IV Part E Adoption Assistance Program

Federal Regulations 45 CFR 1356.22,30,40,41, 50, 60, and 71

Utah Code Ann. [§62A-4a-709](#). Medical assistance identification.

Utah Code Ann. [§62A-4a-902](#). Definitions

Utah Code Ann. [§62A-4a-903](#). Eligibility.

Utah Code Ann. [§62A-4a-904](#). Adoption assistance.

Utah Code Ann. [§62A-4a-905](#). Supplemental adoption assistance.

Utah Code Ann. [§62A-4a-906](#). Termination or modification of adoption assistance.

Utah Code Ann. [§62A-4a-907](#). Interstate compact adoption assistance agreements.



Utah Administrative Code, Rule [R512-43](#). Adoption Assistance. Addresses Federal and State requirements for adoption assistance including determining eligibility, nonrecurring costs, monthly subsidy, medical assistance, supplemental assistance, termination of a subsidy, fair hearing, and interstate adoption assistance.

#### Types of Adoption Assistance

- A. Reimbursement of Non-Recurring Adoption Expenses (SAR).
- B. State Medical Assistance (SA Medicaid).
- C. Monthly Subsidy (SUB Federal or SAP State).
- D. State Supplemental Adoption Assistance (SAC).
- E. For details see Utah Code Ann. [§62A-4a-902](#).

#### Adoption Support

In addition to adoption assistance, an adoptive child and family may be supported with Federal Adoption Promotion and Support Funds, Promoting Safe and Stable Families Grant funding (FPA).

#### General Requirements for Adoption Assistance

- A. Child and Family Services is responsible for notifying a prospective adoptive family of the availability of adoption assistance when the family begins an adoptive placement of a qualified child in public foster care.
- B. Adoption assistance is based upon the child meeting qualifying factors, not the adoptive family.
- C. Basic Qualifying Criteria: A child meets the basic qualifying criteria for adoption assistance if all of the following are met:
  - 1. State Has Determined Child Cannot or Should Not Return Home: The state has determined that the child cannot or should not be returned home. This means:
    - a. The child received services through Child and Family Services and parents have voluntarily relinquished parental rights or the court has terminated parental rights.
    - b. The child who is an SSI recipient at the time the adoption proceedings are initiated cannot return home because parents have voluntarily relinquished parental rights or the court has terminated parental rights.

- 
- 1654 2. Efforts to Place Without Adoption Assistance: Child and Family Services  
1655 has documentation that reasonable efforts were made to place the child  
1656 for adoption without adoption assistance.  
1657 a. An exception applies if the child has significant emotional ties with  
1658 the prospective adoptive family prior to the adoptive placement and  
1659 it is not in the child's best interest to consider a different adoptive  
1660 placement.  
1661 3. Child/Youth with a Special Need: The child meets at least one of the  
1662 following special needs factors:  
1663 a. Five years of age or older.  
1664 b. Under 18 years of age with a physically, emotional, or mental  
1665 disability. A child is considered to meet this requirement if under  
1666 age five years old and at risk of developing a physical, emotional, or  
1667 mental disability due to specific factors identified in the child's or  
1668 birth parents' health or social histories.  
1669 c. Member of a sibling group placed together for adoption.  
1670  
1671 D. A child must be a U.S. citizen or qualified alien to receive adoption assistance.  
1672  
1673 E. An application for adoption assistance is submitted to the regional Adoption  
1674 Subsidy Committee on a form provided by Child and Family Services.  
1675  
1676 F. Application for adoption assistance, approval, and completion of the adoption  
1677 assistance agreement, including signatures of an adoptive parent and a  
1678 representative from Child and Family Services, are to be completed prior to  
1679 finalization of the adoption.  
1680  
1681 G. Adoption assistance usually begins after finalization of an adoption. However,  
1682 adoption assistance may be initiated at the time of placement if the child is legally  
1683 free for adoption, the adoptive home is approved, adoption proceedings are  
1684 initiated, an adoption assistance agreement is fully executed prior to placement,  
1685 and foster care maintenance payments are not being provided for the child.  
1686  
1687 H. An adoption assistance agreement will be approved and signed by an adoptive  
1688 parent and Child and Family Services representative before any payments may be  
1689 made to an adoptive family or before state medical assistance may be initiated.  
1690  
1691 I. Refer to Administrative Rule [R512-43-3](#) General Requirements for Adoption  
1692 Assistance for additional details. Also see Utah Code Ann. [§62A-4a-903](#).  
1693 Eligibility.  
1694

**Reimbursement of Non-Recurring Adoption Expenses (SAR)**

- A. Child and Family Services may reimburse an adoptive family up to \$2,000 per child for non-recurring adoption expense directly related to the legal adoption of a child, such as, attorney fees, court costs, adoptive home study, health and psychological examinations of adoptive parents, supervision of placement, and transportation and reasonable costs of lodging and food for the child and parents during the placement or adoption process.
- B. To qualify for reimbursement of non-recurring adoption expenses the criteria in the prior section "Basic Criteria for Adoption Assistance" must be met.
- C. The regional Adoption Subsidy Committee must approve non-recurring expenses.
- D. Adoptive parents are responsible to provide necessary receipts for reimbursement. This funding may not be provided in advance. It is a reimbursement of costs already incurred.
- E. Refer to Administrative Rule [R512-43-4](#) Reimbursement of Non-Recurring Adoption Expenses for additional details. Also Utah Code Ann. [§62A-4a-904](#). Adoption Assistance.
- F. Summary Table of Qualifications for Non-Recurring Costs Reimbursement.

**Requirements to Qualify for Reimbursement of Non-Recurring Costs**

All three of the following must be met:

1. The state has determined that the child cannot or should not be returned home.
2. Child and Family Services has documentation that reasonable efforts were made to place the child or youth for adoption without adoption assistance OR the child has significant emotional ties with the prospective adoptive family prior to the adoptive placement and it is not in the child's best interest to consider a different adoptive placement.
3. The child meets at least one of the following special needs factors:
  - a. Five years of age or older.
  - b. Under 18 years of age with a physically, emotional, or mental disability.
    - i. A child is considered to meet this requirement if under age five years old and at risk of developing a physical, emotional, or mental disability due to specific factors identified in the child's or birth parents' health or social histories.
  - c. Member of a sibling group placed together for adoption.

**G. Table of Frequent Types of Scenarios requesting Non-Recurring Cost.**

<b>Licensed</b> Resource Family (including kin)	A child in public foster care who is placed with a licensed resource family meets the qualifications for non-recurring cost if documentation shows the child meets the three requirements in the prior summary table in this section.
<b>Unlicensed</b>	The family qualifies for non-recurring costs if documentation shows the

Kin Caregiver	<p>child meets the general qualifying factors for adoption assistance.</p> <p>The first requirement for reimbursement of non-recurring cost may be met if Child and Family Services provided services and parental rights have been terminated voluntarily or by the court, and the child may or may not have ever been in Child and Family Services custody. Documentation must also show that the child could not be placed without adoption assistance or has an emotional tie to the adopting family and that the child has a special need as defined in prior requirement table in this section.</p>
<b>Private or Independent Adoption</b>	<p>A family that adopts through a private or independent adoption <b>only</b> qualifies for reimbursement of non-recurring costs if documentation shows the child meets the three requirements in the prior requirement table in this section, <b>and</b> qualifies for Social Security Income (SSI) disability at the time the adoption proceedings are initiated or was a recipient of services by Child and Family Services.</p>

#### Monthly Adoption Subsidy (AAM) and Medicaid (SA)

- A. Monthly financial adoption subsidy and Subsidized Adoption Medicaid promote adoptions of children and youth from foster care by financially helping adoptive families meet the needs of the children who they adopt. Children/youth who have been in foster care often have special needs from the trauma of abuse, neglect, grief, and loss. They may also have other special needs. The monthly financial adoption subsidy and Medicaid are designed to help adoptive families address special needs for which their adopted children may struggle.
- B. The amount of monthly adoption subsidy to be paid for a child is based on the child's present and long-term treatment and care needs and available resources, including the family's ability to meet the needs of the child. A combination of community resources, the parents' resources, and monthly adoption subsidy should cover the ordinary and special needs expenses of the child projected over an extended period of time.
- C. The monthly subsidy may be used according to the parents' discretion. Some examples of the uses of the monthly subsidy payment are medical, dental, or mental health services not paid for by the state medical assistance or family insurance, special equipment for physically or mentally challenged children, respite care, day care, therapeutic equipment, minor renovation of the home to meet special needs of the child, damage and repairs, speech therapy, tutoring, specialized preschool based on needs of the child, private school, exceptional basic needs such as special food, clothing, and/or shelter, visitations with biological relatives, and cultural and heritage activities and information.

- D. Qualifying Child/Youth for Monthly Adoption Assistance: In order to qualify for a monthly adoption subsidy, the child must meet the three BASIC QUALIFYING CRITERIA in the above section, AND must also meet the definition of a child in public foster care, qualify for SSI, or be a prior recipient of adoption assistance.
1. Child or Youth in Public Foster Care: For the purposes of adoption assistance, a child is considered to meet the definition of a child in public foster care if the child was placed with the family who adopts from the temporary or legal custody with Child and Family Services. For example:
    - a. A child is in foster care (state custody) until the adoption is finalized.
      - (1) The child is adopted either by a licensed foster care provider or an approved adoptive family through an upfront adoption subsidy, OR
    - b. A child or youth who was taken into protective custody and, as a result of the protective episode, was placed with a relative who was given legal custody meets the definition of a child in public foster care. This includes:
      - (1) If the court orders Child and Family Services to continue to provide Protective Supervision Services (PSS) for the family in making safety and permanency decisions for the child, including placement decisions and permanency goals. And
      - (2) This may include a change in placement to another relative while the PSS continue to be court ordered, OR
    - c. Guardianship of a child in foster care is given to the licensed foster care provider and that provider adopts the child, OR
    - d. The parent of the child to be adopted is in foster care and, although Child and Family Services did not take custody of the child to be adopted, Child and Family Services did make a maintenance payment on the child's behalf as the child of a minor who is a foster care recipient, OR
    - e. The child was placed in foster care with Child and Family Services through a Voluntary Placement Agreement and a foster care maintenance payment was made for the child.
  2. Supplemental Security Income (SSI) Recipient: The child qualifies as a recipient of Supplemental Security Income (SSI) for a disability at the time the adoption proceedings are initiated. This means that prior to initiation of the adoption proceedings, the child has received written notice from the Social Security Administration that he or she qualifies for SSI payments, or the child has been receiving SSI payments.
  3. Prior Subsidized Adoption: The child was in a prior adoption in which an adoption assistance agreement was executed for monthly adoption subsidy.
  4. Exclusions:

- 1788 a. A child **cannot** qualify for adoption assistance if adopted by one of  
1789 his or her biological parents whose parental rights were previously  
1790 terminated.  
1791 b. A child who is adopted through a private or independent adoption  
1792 **cannot** qualify for a monthly adoption subsidy **unless** he or she  
1793 qualifies as a recipient of SSI for a disability at the time the adoption  
1794 proceedings are initiated.  
1795  
1796 E. Eligibility for Federal Adoption Assistance: When the adoption subsidy worker  
1797 has determined that a child qualifies for adoption assistance, it is the  
1798 responsibility of the eligibility worker to determine if the monthly adoption  
1799 assistance is eligible for Title IV-E funding.  
1800  
1801 F. Summary Table regarding Qualifications for Monthly Adoption Subsidy.

**Requirements to Qualify for Monthly Adoption Subsidy  
(including Medicaid only)**

All three of the following must be met:

1. The state has determined that the child cannot or should not be returned home.
2. Child and Family Services has documentation that reasonable efforts were made to place the child for adoption without adoption assistance OR the child has significant emotional ties with the prospective adoptive family prior to the adoptive placement and it is not in the child's best interest to consider a different adoptive placement.
3. The child meets at least one of the following special needs factors:
  - a. Five years of age or older.
  - b. Under 18 years of age with a physically, emotional, or mental disability.
    - i. A child is considered to meet this requirement if under age five years old and at risk of developing a physical, emotional, or mental disability due to specific factors identified in the child's or birth parents' health or social histories.
  - c. Member of a sibling group placed together for adoption.

In addition to the three requirements listed above, at least one of the following situations must also exist:

- Child/youth is in Utah's public foster care or was in foster care immediately prior to the adoptive placement.
- Child/youth qualifies for SSI prior to the initiation of the legal adoption proceedings.
- Child's parent is in foster care and child received a maintenance payment.
- Child/youth was in prior subsidized adoption.

(Except in situations in which the child is adopted by one of his or her biological parents.)

- 1802  
1803 G. Table of Frequent Types Scenarios requesting Monthly Adoption Subsidy

<b>Licensed Resource Family</b>	A child in public foster care who is placed with a licensed resource family meets the qualifications for monthly adoption subsidy if documentation shows that the three requirements defined in the prior requirement table are met and the child is adopted directly from foster care.
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<b>Unlicensed Kin Caregiver</b>	<p>A child or youth who was taken into protective custody and, as a result of the protective episode, was placed with a relative who was given legal custody meets the definition of a child in public foster care.</p> <p>If the court then orders Child and Family Services to continue to provide Protective Supervision Services for the family in making safety.</p>
	<p>and permanency decisions for the child, including placement decisions and permanency goals, this also meets the definition of a child in foster care. This may include a change in placement to another relative while the Protective Supervision Services continue to be court ordered.</p> <p>The child would then qualify for monthly adoption subsidy if documentation shows the three basic qualifying factors defined in the prior requirement table are met.</p> <p>A child or youth <b>does not</b> qualify for monthly adoption subsidy if the child or youth was never in protective custody or foster care</p>
<b>Private or Independent Adoption</b>	<p>A child who is adopted through a private or independent adoption <b>only</b> qualifies for monthly adoption subsidy if documentation shows the three requirements defined in the prior requirement table are met <b>and</b> he or she qualifies for SSI disability at the time the adoption proceedings are initiated.</p>

- H. Follow the objectives under the Major objectives section above to begin the adoption assistance process.
- I. A child who qualifies for adoption assistance should be provided with state medical assistance (Medicaid) if the child has health factors that warrant Medicaid coverage. This may be provided to the child with an Adoption Assistance Agreement, even if it is determined that no financial monthly adoption subsidy is needed.
- J. Process for Determining Monthly Subsidy Amount
1. The Monthly Adoption Subsidy may not be denied based on a means test of the adoptive family.
  2. The monthly financial subsidy is negotiated based on the level of needs of the child to be adopted and the ability of the prospective adoptive family to meet those needs.
  3. The Adoptive Parent Statement of Disclosure items must be reviewed in depth by the caseworker and adoptive parent prior to subsidy negotiation.
  4. The caseworker will use the FORM AD 19b: Subsidy Consideration Guidelines to talk with the prospective adoptive family about the level of child's special needs and the family's ability to meet those needs.



5. Determining the amount of the monthly financial subsidy can be derived from the level of the child's special needs outlined in the chart on FORM AD 19b: Subsidy Consideration Guidelines and FORM AD 19c: Optional Assessment Tool.
6. The amount of the monthly subsidy may not exceed the payment that would be made if the child was placed in a foster family home at the point in time when the Adoption Assistance Agreement is being initiated or revised.
7. After talking with the prospective adoptive family, the caseworker completes FORM AD21A: Subsidy Program Application and brings it with documentation regarding special needs of the child to the Adoption Subsidy Committee for review and recommendation.
8. A child's adoption assistance level may be increased by one level if the adoption assistance committee determines that the child's permanency may be compromised due to financial barriers to the child's adoption. At least one of the following circumstances must also apply:
  - a. The child has been in state custody for longer than 24 months.
  - b. The child is nine years of age or older.
  - c. The child is part of a sibling group of three or more children being placed together for the purposes of adoption.
9. When the prospective adoptive family agrees on the negotiated monthly subsidy amount, the Adoption Assistance Agreement is signed by the prospective adoptive parents and returned to the Child and Family Services office, then signed by a Child and Family Services representative to initiate the monthly adoption subsidy, beginning the month following the final foster care payment.
10. Adoption Assistance Agreement will be written to terminate the end of the month of the youth's 18<sup>th</sup> birthday.
11. The amount of monthly adoption subsidy may increase or decrease when the child's level of need or the family's ability to meet those needs changes. The family or the caseworker may initiate a change in the amount of monthly adoption subsidy at any time when needs or resources change.
  - a. The monthly adoption subsidy is increased to meet the special needs of the child for a limited time period, such as when a youth is admitted to a residential treatment program. The Adoption Assistance Agreement would then be written for a period of time up to one-year and reassessed based on the youth's special needs.
12. The amount of the monthly adoption subsidy is subject to the approval of the regional Adoption Subsidy Committee. If the requested amount is not granted, the adoptive parent has a right to appeal.

- K. Refer to Administrative Rule [R512-43-5](#), Monthly Subsidy, and [R512-43-6](#), State Medical Assistance, for additional details. Also Utah Code Ann. [§62A-4a-709](#) Medical assistance identification.

Changes in Adoptive Parents' Circumstances

- A. In the Adoption Assistance Agreement, the adoptive parents verify that they will immediately notify Child and Family Services in writing if any of the following changes in circumstances occur:
1. The adoptive parents have a change of address and/or telephone number.
  2. The adoptive parents divorce. Verification of the parent granted physical custody of the child will be needed.
  3. The adoptive child no longer resides with the adoptive parents.
  4. The adoptive parents are no longer providing any financial support to the child, or are providing reduced financial support for the child.
  5. The adoptive parents no longer have physical custody or legal guardianship of the child.
- B. If an adopted child who is receiving Adoption Assistance comes back into out-of-home care, the adoption subsidy worker and the adoption subsidy worker's supervisor will receive a SAFE notice.
1. The adoption subsidy worker will send a notification letter, SAFE form SUB04 "Notification of Child Coming into Foster Care", to inform the adoptive parents that the amount of the monthly adoption subsidy will be re-assessed based on changes in the child's special needs and the parents' ability to meet those needs based on coming into out-of-home care.
  2. The notification will inform the adoptive parents they will continue to be financially responsible for the child and that Office of Recovery Services will be assessing child support for the care of their child.
  3. Medicaid will be re-assessed by an eligibility worker for a child in out-of-home care and issued the appropriate Medicaid benefits.
  4. If the adoptive parents do not contact Child and Family Services within 30 days of the date of the letter to re-assess the adoption monthly subsidy, the monthly adoption subsidy will be suspended beginning the month following the day the notification should have been made.

Annual Review of Adoption Assistance

- A. Annually a Review of Adoption Assistance letter will be sent to adoptive parents of a child who receives adoption assistance. The annual letter:
1. Provides current contact information for the post-adoption worker, the subsidy worker, and the Medicaid worker.

2. Reminds the parents of the signed agreements language to notify Child and Family Services of changes in address, phone, and legal and/or financial responsibility for the identified adopted child.
3. Reminds the parents of grounds for termination of the Adoption Assistance Agreement. Those reasons are listed in the section below.
  - a. The Annual Review of Adoption Assistance letter includes language that the Adoption Agreement Assistance continues until the month the youth reaches his or her 18<sup>th</sup> birthday even if the youth is in high school at that.
4. When sending an Annual Review of Adoption Assistance letter to adoptive parents who reside in Utah, a current Utah's Post-Adoption Resource Connection booklet and Post-Adoption Services brochure should be included.

#### Renewal of Adoption Assistance Agreement

- A. A renewal of an Adoption Assistance Agreement would be warranted when:
  1. The Adoption Assistance Agreement has never been converted to the long term (age 18 years of age) agreement because of an oversight by Child and Family Services or because there was a problem locating the adoptive family for a period of time.
  2. The child qualifies as a child with a disability and will continue to receive the monthly subsidy beyond his or her 18th birthday.

#### Amendment of an Adoption Assistance Agreement

- A. An amendment of an Adoption Assistance Agreement would be warranted when:
  1. There is a change in the monthly subsidy.
    - a. The changed amount may be approved for the duration of the agreement (end date being the end of the month of the child's 18th birthday), or
    - b. The changed amount may have a "time-limited" end date.
      - (1) Time-limited end dates need to be tracked.
      - (2) Time-limited subsidy changes include changes in the amount of the monthly subsidy due to out-of home treatment or a child re-entering foster care.
  2. A "zero" subsidy is changed to a monthly subsidy.
  3. When there are two adoptive parents in the family, the parent to receive the payment changes:
    - a. At the request of the family.
    - b. Because the parent receiving the payment dies.
    - c. The adoptive parents divorce and the parent awarded custody is not the one receiving the payment.

4. The adoptive parent gets married, or re-marries, and the new spouse legally adopts the child and wants to be added to the agreement.
5. There is a change in the eligibility.

#### Termination of Adoption Assistance

- A. A monthly adoption subsidy is in effect as long as the adoptive parents continue to be legally responsible to provide financial support for the identified adopted child until the youth turns 18 years of age, unless any of the following reasons exist:
  1. The adoptive parents request termination of the Adoption Assistance Agreement.
  2. The child dies.
  3. Both of the adoptive parents die.
  4. The adoptive parents' legal responsibility for the child ceases.
  5. The state determines that the child is no longer receiving financial support from the adoptive parents.
  6. The youth marries.
  7. The youth enters the military.
- B. The monthly adoption subsidy cannot be extended beyond the month of a youth's 18<sup>th</sup> birthday even if the youth is still in school, unless disabled as described below.
- C. The monthly adoption subsidy may extend until the youth reaches age 21 years old when the regional Adoption Subsidy Committee has determined that he or she has physical or mental disability as defined in the criteria for Department of Human Services, Division of Services for People with Disabilities (DSPD).
  1. In such cases the young adult may also likely be eligible for SSI for a disability, the amount of the monthly adoption subsidy would be taken into account by the Social Security Administration in determining the Social Security disability Income (SSI) amount. Parents of an adopted young adult who has a disability will want to determine if there is an advantage in continuing with the monthly adoption subsidy. If the young adult meets the criteria for DSPD, he and she may also be eligible for an array of adult special services, when available.
- D. Termination of State Medical Assistance (Medicaid) is subject to the policies of the Division of Health Care Financing, Department of Health.
  1. For a youth who is not Title IV-E eligible, Subsidized Adoption Medicaid terminates at age 18, even if adoption assistance continues due to disability. The youth may qualify for continuing Medicaid coverage until age 19 under another Medicaid program.

- 
- 1989 2. For a youth who is Title IV-E eligible, Subsidized Adoption Medicaid may  
1990 continue until the Adoption Assistance Agreement ends. This means the  
1991 Subsidized Adoption Medicaid may continue for a disabled youth up to age  
1992 21, if the Adoption Assistance Agreement is extended. If the Title IV-E  
1993 Adoption Assistance Agreement ends at age 18, the youth may still qualify  
1994 for continuing Medicaid coverage until age 19 under another Medicaid  
1995 program.  
1996
- 1997 E. Refer to Administrative Rule [R512-43-10](#), Termination of Adoption Assistance,  
1998 for additional details. Also Utah Code Ann. [§62A-4a-906](#) Termination or  
1999 modification of adoption assistance.  
2000
- 2001 Interstate Adoption Assistance
- 2002 A. If a child in Utah foster care is placed for adoption with parents in another state,  
2003 Utah's Child and Family Services is responsible to determine if the child qualifies  
2004 for adoption assistance. If the child qualifies, Utah's Child and Family Services  
2005 provides adoption assistance regardless of the state of residence of the adoptive  
2006 family.  
2007
- 2008 B. If a child with a previous Title IV-E Adoption Assistance Agreement enters public  
2009 foster care because the adoption was dissolved or ended due to the result of the  
2010 death of the parents, the state in which the child is taken into custody in public  
2011 foster care is responsible to provide adoption assistance in a subsequent  
2012 adoption.  
2013
- 2014 C. If a child with a previous Title IV-E Adoption Assistance Agreement does not  
2015 enter public foster care when the adoption dissolved or ended due to the death of  
2016 both parents, the new adoptive parent is responsible to apply for adoption  
2017 assistance in the new adoptive parent's state of residence.  
2018
- 2019 D. A parent desiring to adopt an out-of-state child who is not in public foster care  
2020 but is receiving SSI for a disability will apply for adoption assistance in the parent's  
2021 state of residence.  
2022
- 2023 E. Provision of Medicaid is subject to the Interstate Compact on Adoption and  
2024 Medical Assistance (ICAMA). Medicaid services vary considerably from state to  
2025 state.
- 2026 1. If the adoption assistance is funded through federal Title IV-E, the  
2027 interests of the Child will be protected through the Interstate Compact on  
2028 Adoption and Medical Assistance. All States will allow Title IV-E  
2029 Medicaid to be instated in the Adoptive Parent's state of residence.

2. If the adoption assistance is funded through state funds, many states allow a child with adoption assistance to qualify for Medicaid in their state, however in some states this benefit may not be available

- F. Other services the child may need prior to finalization of the adoption are requested in the receiving state through the Interstate Compact for the Placement of Children (ICPC).

- G. If a needed service specified in the ICPC agreement is not funded by the new state of residence, the state making the original adoption assistance payment remains financially responsible for paying for the specific service.

Supplemental Adoption Assistance (SAC)

- A. Supplemental Adoption Assistance may be available for a child who meets all the qualifying criteria for a monthly adoption Subsidy and for whom an Adoption Assistance Agreement is in effect.

- B. Supplemental Adoption Assistance may only be used for extraordinary, infrequent, or uncommon documented needs not covered by a monthly adoption subsidy, state medical assistance, or other public benefit for which a child who has special needs is eligible.

- C. Supplemental Adoption Assistance is subject to the availability of state funds appropriated for adoption assistance. It is not an entitlement and will be granted only when justified by unique needs of the child and when all other resources for which a child is eligible have been exhausted.

- D. The post-adoption or adoption subsidy worker will request verification from the payment technician to check CAPS (Contracts, Approvals, and Payment System) for any payments made to DSPD for the same child.

1. If there are no payments to the same child in DSPD records, then the worker may proceed to assess the request for SAC funding.
2. If there are payments to the same child in the DSPD database, then the worker will check to see if there have been payments in the last six months. If not, the worker may proceed to assess the request for SAC funding.
3. If there have been DSPD payments for the same child in the past six months, then the worker will check the DSPD payment against the request the parent has made for SAC funding. If the request is for a different service, then the worker may proceed to assess the request for SAC funding.

- 
- 2071 4. If the request for SAC funding is for the same service as the DSPD  
2072 payment, the SAC request will be denied.  
2073 5. A DSPD worker will be identified in each region to address additional  
2074 questions regarding DSPD payments for services for children adopted or  
2075 receiving services through Child and Family Services.  
2076  
2077 E. An email will be sent to the post-adoption or adoption subsidy worker as well as  
2078 the supervisor of the worker regarding the DSPD services purchased for the same  
2079 child in the same period of time for whom SAC funds are being requested.  
2080  
2081 F. Documented requests for Supplemental Adoption Assistance, including  
2082 amendments or renewals, will be considered by the Adoption Subsidy Committee  
2083 in the region where the adopted child's monthly adoption subsidy is managed.  
2084 1. Requests for amounts up to \$3,000 will be considered by the regional  
2085 Adoption Subsidy Committee.  
2086 2. Requests for amounts from \$3,001 to \$10,000 will be considered by the  
2087 appropriate regional advisory committee established under Utah Code  
2088 [§62A-4a-905](#).  
2089 3. Requests for amounts exceeding \$10,001 will be considered by a state  
2090 level advisory committee with the same membership composition as the  
2091 regional advisory committee established under Utah Code [§62A-4a-905](#).  
2092 4. Recommendations from the advisory committee are subject to the  
2093 approval of the region director or designee.  
2094  
2095 G. When the amount of the Supplemental Adoption Assistance is approved by the  
2096 appropriate committee, a Supplemental Adoption Assistance Agreement will be  
2097 initiated for signature by the adoptive parents.  
2098 1. The Supplemental Adoption Assistance Agreement will include both an  
2099 amount and a time limit.  
2100  
2101 H. Refer to Administrative Rule [R512-43-7](#), Supplemental Adoption Assistance, for  
2102 additional details. Also see Utah Code [§62A-4a-905](#).  
2103

#### 2104 Fair Hearings

- 2105 A. An adoptive family may request a fair hearing if:  
2106 1. The Adoption Assistance Application is denied;  
2107 2. The Adoption Assistance Application is not acted upon with reasonable  
2108 promptness;  
2109 3. Adoption assistance or supplemental adoption assistance is reduced,  
2110 terminated, or changed without the concurrence of the adoptive parents;  
2111 4. The amount of adoption assistance or supplemental adoption assistance  
2112 approved was less than the amount requested by adoptive parents;



5. Adoption assistance was denied because it was requested after finalization of the adoption.

- B. Refer to Administrative Rule [R512-43-11](#) for more information.

Federal Adoption Promotion and Support, Promoting Safe and Stable Families (FPA) Funding

- A. Adoption Promotion and Support, Promoting Safe and Stable Families (FPA) federal funding is available to each state. The purpose of this program is to enable states to promote and support adoption services and activities designed to encourage more adoptions out of foster care. Activities include pre- and post-adoptive services designed to expedite the adoption process and support adoptive families to make a lifetime commitment to their children.
- B. FPA funds may be used within Child and Family Services for services to promote and support adoption.
- C. FPA funds may be used to contract for services to promote and support adoption.
- D. FPA funding may be used to help adoptive families directly.
1. A family who adopts a child from Child and Family Services.
  2. An adoptive family who is utilizing the services of Child and Family Services.

Federal Adoption Promotion and Support, Promoting Safe and Stable Families (FPA) Funding Regional Guidelines

- A. Each fiscal year each region is given an equal amount of base FPA funding, with the remaining FPA funding divided by the percent of adoptive families with Adoption Assistance Agreements who reside in the region.
- B. Annually each region will plan how the FPA funding will be best used in their region. Allocation of some funding for predictable requests such as the annual adoption conference and therapeutic summer programs could be part of the annual planning process.
- C. When considering a request for FPA funding, the post-adoption or adoption subsidy worker will determine that the service is not available through Medicaid or other community funded services.
- D. FPA funds paid directly to a family cannot exceed \$2,000 per family per fiscal year. FPA payments to a family are taxable income. Direct payments to families are discouraged.

- E. Direct payment to a service provider may exceed \$2,000 with appropriate bids and contracts, as required by state procurement requirements.

Determining the Appropriate Funding Source

- A. When either State Supplemental Adoption Assistance (SAC) or federal Adoption Promotion and Support, Promoting Safe and Stable Families (FPA) funding could be appropriate for a funding request, the following guidelines should be considered:
1. Federal funds should be considered before state funds to assure all federal funds (which include a state match) are used in each fiscal year.
    - a. If the monthly adoption subsidy is from federal Title IV-E funds, it may be appropriate to amend the Monthly Subsidy Agreement for a limited time period, when a child would qualify for a higher subsidy to cover the costs. An example of higher costs might be room, board, and educational costs of a residential treatment program.
    - b. The federal FPA funds (which includes a state match) should be considered for use before State Supplemental Adoption Assistance.
    - c. The federal FPA funds are best used for time-limited expenditures of less than \$2,000 per family.
  2. State Supplemental Adoption Assistance funds are best used for extensive, expensive, or long-term costs after it is determined that increasing Title IV-E monthly adoption subsidy and federal FPA funding are not appropriate or available.

**401.10 Access To Adoption Records**

Major objectives:

- A. Child and Family Services Adoption Records - When parental rights are terminated, the caseworker will create a new file for the child from relevant information in the child's family file. The caseworker will establish a separate file for each child or each sibling group placed with the same adoptive home.
- B. Access to Adoption Records - The information in the file relevant to an adopted child may be accessed by the adult adoptee or the adoptive parents. Identifying information about biological parents will not be released by Child and Family Services, unless ordered by the court. A biological parent who has relinquished parental rights may only access case information up to the time of relinquishment. Information in the family file may be accessed as specified in the GRAMA procedures for Child and Family Services.

**Applicable Law**

Utah Code Ann. [§78B-6-141](#). Petition, report, and documents to be sealed -- Exceptions.

**Practice Guidelines**

A. An option for sharing adoption information is a cooperative adoption, which is an agreement between adoptive parents and the birth family that allows sharing of information and/or maintaining a relationship between the child and identified members of the birth family, such as birth parents, grandparents, or other extended family members.

B Adoptee Request for Information - The region director will designate staff who will respond to the following requests for information:

1. Request for Identifying Information - An adult adoptee seeking identifying information about biological parents will be referred to the court. If contact with the biological parents is desired, the caseworker may also suggest that the adoptee register with the Utah Department of Health Adoption Registry. [See: Utah Code Ann. [§78B-6-144](#).]
2. Request for Non-identifying Information - An adult adoptee seeking non-identifying information about biological parents, such as genetic and social history or health history [Utah Code Ann. [§78B-6-104](#)], may request information from the Bureau of Vital Records as specified in Utah Code Ann. [§78B-6-143](#).

C. Biological Parent Request for Information - A biological parent requesting information about a child after relinquishment of parental rights will be notified that information about the child may only be released by court order. It is the responsibility of the biological parents to obtain a court order. The caseworker may also suggest that the biological parent register with the Utah Department of Health Adoption Registry if contact with the child is desired. [See: Utah Code Ann. [§78B-6-144](#).]